

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
February 13, 2006

Pursuant to due call and notice thereof, a special 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, February 13, 2006 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Mike Schumacher, Ray Hadley, Karen Olson, Bill Okrepkie, Tom Johnson, Ron Kroeger, Deb Hadcock, Bob Hurlbut, Malcom Chapman and Sam Kooiker. The following Alderperson arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included City Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Dirk Jablonski, Police Chief Craig Tieszen, and Administrative Assistant Jackie Gerry.

Chapman moved, second by Johnson to move the Legal & Finance Committee meeting to Tuesday, February 14, 2006; to convene at the conclusion of the Public Works Committee meeting. Schumacher stated not all members were contacted about their availability; suggested non-appointed members could substitute; and pointed out the number of members that constitute a quorum. Schumacher raised the fact that publication was done, scheduling the meeting for February 14 without having prior approval of the full Council. Substitute motion was made by Schumacher, second by Hadley to deny. Alderman Johnson explained his intent to meet with Governor Rounds to discuss the access on Hwy 16; and that this meeting is to be attended by Mayor Shaw and Alderman Chapman in Pierre. Responding to a question from Alderman Schumacher, City Attorney Green indicated the meeting was notice for Tuesday, anticipating Council approval. Noticing the Tuesday meeting would meet the 24-hour notification requirement. He indicated that should Council not approve, there is sufficient time to notice the meeting change. Alderman Chapman believed it important to meet with the Governor to have discussion about Hwy 16, and that it is important enough to miss the meeting or move the meeting. Alderman Hadley explained the difficulty he would experience in requesting time-off to attend a meeting that has been changed from its regular schedule. He suggested it was more appropriate to ask other aldermen to substitute before considering moving a committee meeting date. Second substitute motion was made by Chapman, second by Kooiker to convene the Legal & Finance Committee meeting on Wednesday, February 15, 2006, and request staff to notice the meeting. Discussion continued about noticing the meeting and work schedules already arranged to accommodate the change in the meeting date. Question was called and Alderman Hurlbut objected. Discussion continued with comments from Alderman Hurlbut indicating Ward 5 will not be represented because he intends to be in Pierre. Upon a roll call vote, the following voted AYE: Schumacher, Hadley, Okrepkie, Chapman, and Kooiker; NO: Olson, Johnson, Kroeger, Hadcock, and Hurlbut. The Chair declared a tie vote, and the motion failed. With the consent of the Council, Alderman Schumacher withdrew the first substitute motion. Upon a roll call vote on the original motion to approve, the following voted AYE: Olson, Johnson, Kroeger, Hadcock, Hurlbut, and Chapman; NO: Hadley, Okrepkie, Kooiker, and Schumacher. Motion carried.

Chapman moved, second by Kooiker to amend the agenda to consider Items 4 – 7, as first order of business. Upon a roll call vote, the motion carried with the following voting AYE:

Johnson, Kroeger, Hadcock, Hurlbut, Chapman, Kooiker, Schumacher, and Hadley; NO: Olson and Okrepkie.

PUBLIC HEARINGS

Ordinance No. 5083 (No. 05RZ047), a request by Buescher Frankenberg Associates for Wal-Mart Stores, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, located east of U.S. Highway 16 and north of Sammis Trail was introduced. Upon a motion made by Hadcock, second by Okrepkie, Ordinance No. 5083 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 20, 2006 at 7:00 P.M. Alderman Hadcock reporting visiting with the SDDOT who believe this area should be zoned General Commercial because of the arterial road.

Chapman moved, second by Johnson to open the public comment on Agenda Items 4, 5, 6 & 7 and vote on each item independently.

Alderman Olson asked staff to discuss in some detail the issues related to these items so that the public has a good understanding of some of the issues. Alderman Johnson requested Council approval of first reading and continuance of the remaining agenda items to coincide with second reading of the ordinance. He indicated he wanted one last effort to place the access to this area at the section line right-of-way, believing this is a better access location. Johnson reported that he hoped to visit with Governor Rounds about this access issue. Alderman Hurlbut also believed that the section line right-of-way is a better access. He indicated he wanted

vehicle traffic to stop at Hwy 16 on Catron Blvd because he wanted people to have easy access to Rapid City. Mayor Shaw indicated he had spoken with Governor Rounds; and explained that the Governor is under the impression that the discussion on Wednesday is more about the future of the area, not specifically the Wal-Mart discussion. Shaw indicated the Governor is supportive of economic development, and the concept that zoning decisions is a local decision.

Responding to questions from Aldermen Hadcock, Kroeger, and Johnson, Todd Seaman, SDDOT indicated to the City Council that the SDDOT does not support the Wal-Mart proposal; nor does the SDDOT oppose the Wal-Mart proposal. He indicated that the changes in the land use are strictly a local government issue. Seaman reported that the SDDOT has reviewed the proposal that Wal-Mart has put forward and find no reasons, from a traffic safety standards or traffic safety concerns, to deny the change in the access as proposed by the developer. He reported that they did look at the realignment of Sammis Trail, the intersection of Sammis Trail / Moon Meadows at Hwy 16. He explained that they also reviewed the sight-distance for north bound travelers and when they would be able to see the signal display. The north bound traveler will see the signal display from 1,274 feet; the engineering standard for a 65-mile per hour design is 570 feet. DOT staff looked at north bound cues, the grade percent on Hwy 16 at the realignment of Sammis Trail / Moon Meadows, the south bound east turning movements, and the turning movements from Hwy 16 onto Sammis Trail. As proposed and required by the DOT, and the City, the turn lanes meet the left turn needs. DOT staff also looked at the trip generation used in the study done by the developer, and they are higher than national standards. DOT looked at the growth rates for Hwy 16 and the proposed commercial development; those growth rates are well above what has been seen on Hwy 16 for the past ten years. DOT also looked at the section line right-of-way, but do not support moving the main access to this commercial development to the section line. Seaman indicated the main access to be at a principle arterial. He pointed out that the Sammis Trail / Moon Meadows realignment has been on the City's Major Street Plan as a principle arterial long before the proposed development. Seaman indicated that moving the major access to the section line also hinders the plans the department has for the intersection of Catron Blvd and Hwy 16. Future plans and long range plans have proposed an interchange at this location. He explained that the Department of Transportation, with taxpayer dollars, just spent \$55 Million building eight miles of expressway, known as the Southeast Connector; and the SDDOT wants to maintain a high level of service at this intersection. He indicated that the proposed road network, the rearage roads, are very good traffic planning. Responding to a question about whether the section line road would be safe without an interchange, Seaman indicated the only concern would be Moon Meadows. He indicated as commercial development occurs along this corridor, there will be an increase in traffic on Moon Meadows. He pointed out that when Catron Blvd was opened, traffic decreased on Moon Meadows. He noted that as commercial development occurs along Hwy 16 that traffic will increase once again on Moon Meadows and cross Hwy 16 to get to the other side. Without the realignment and a section line access, that traffic will need to weave from Moon Meadows down Hwy 16 to the section line, which causes concern. Responding to a question from Alderman Okrepkie, about the construction of an interchange at Hwy 16 / Catron Blvd precluding the option of a full interchange at the section line, Seaman explained that there could be a right-in / right-out for north bound traffic; but there would be no left turn movements for south bound traffic.

Hiene Junge, Pennington County Highway Superintendent, responding to a question from Alderman Hadcock, reported traffic volumes on Moon Meadows at 3,100 vehicles per day before the completion of Catron Blvd. The volume decreased to 1,280 vehicles per day. It is

expected to increase if Wal-Mart builds. At the fifteen year build-out, vehicle traffic is expected at 3,000 vehicles per day. Junge pointed out that a portion of Moon Meadows is located in the City limits and is 1,000 feet of 3-lane, curb and gutter. Approximately 2,700 feet of Moon Meadows to Dunsmore is a narrow section that should be reconstructed. He indicated he had advised the County Commission that the County should consider a reconstruction project.

Kroeger moved, second by Okrepkie to limit discussion to three minutes per speaker. Upon a roll call vote, the motion carried with the following voting AYE: Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, Schumacher, and Olson; NO: Kooiker and Hadley.

Julie Oldham commented about the location of Wal-Mart and preserving local businesses and gateway to the Black Hills. Bradley Colling commented about the beauty and serenity of the area along Hwy 16 into the Black Hills. Allen Bishop, former Wal-Mart employee, spoke of the good treatment of employees by Wal-Mart and that another store means more jobs. Bob Brandt commented about the number of cars that traveled Moon Meadows safely and considered the road to be safe. He suggested people living in this area purchased property with the knowledge that this area would be zoned General Commercial. He pointed out businesses and the Forest Service that have recently built on Hwy 16, and suggested General Commercial in this area is smart growth. He suggested that if zoned Neighborhood Commercial, there could be a half empty strip mall with video lottery casinos and pawn shops. Kay Billtoft commented about the western history, heritage and legacy and suggested there is no redeeming feature in changing the zoning of this area. Lin Jennewein spoke of the attractiveness of the area and indicated that this land is spiritual, and spoke out against the rezoning. Deb Legge, resident on Moon Meadows, indicating there was great relief from the numbers of vehicles using Moon Meadows when the construction of Catron Blvd was complete. She reported that there are 55 homeowners in this area who feel unrepresented. She reported the number of accidents that have occurred on this road. Laurette Pourier pointed out that all of the Black Hills are still in unsettled Treaty issues with Native Americans. She spoke out against any further development in the entire Black Hills, suggesting there are spiritual consequences for desecrating good land, and urged everyone to consider other values other than money.

Allen Nelson, Attorney for Wal-Mart, responding to questions from Alderman Kooiker, indicated that there are no plans to allow overnight camping in the Wal-Mart parking lot, store No. 1 will not be closed, and Wal-Mart plans to make a substantial contribution towards the infrastructure and the road system that is required, and that they are not asking for Tax Increment Financing or a Sales Tax Rebate.

Teri Powell spoke to the issue of water pointing out the recharge zone of the Inyan Kara aquifer, indicated the proposed development sits above this aquifer. She explained how this aquifer is recharged, renewed and replenished. She also explained there are wells and several local communities drawing water from this aquifer and demonstrated the formations of the aquifer. She believed this an important issue and cited from the Black Hills Hydrology Study of 2002. She suggested the potential for contamination can be large because of development on aquifer recharge area. She pointed out that nitrate concentrations have been identified in the City wells and it has been attributed to leaking septic tanks. She suggested large scale development along Sammis Trail could contribute to the problem. She indicated a retail store exposing and storing their garden supplies in the weather could also be a source of contamination. She asked that the Council require an environment impact study.

Allen Nelson, Attorney for Wal-Mart, introduced the following: Ryan Horn, Senior Manager; Mark Haberman, Manager; David Bussard, Assistant Manager; Joe Feldmann, Buescher Frankenberg Associates; Doug Thompson, Architect; Jason Kjenstad, HDR Engineering; Al Foster, FMG, Inc.; Muriel Miller, Attorney for Wal-Mart; Randy Fischer, Landscape Engineer. Nelson asked the Council to vote on the issues as they have provided information asked of them to make a decision; and asked for support of the project. He also explained the proposal is to finance the rearage road, and the sewer and water infrastructure to the project. Ryan Horn indicated that the customers are demanding another store. He indicated that the current store is one of the more heavily trafficked stores. He also indicated that they determined that patrons were coming from the south and a store in this area would serve them better. They also gather signatures for support of another store at the proposed location. Mark Haberman encouraged Council to make a decision. He explained that the associates of the Wal-Mart store play an important role as it relates to the nonprofit organizations in the City. He reiterated the need for another store to reduce the pressure on the existing store.

Tom Karlen commented that Moon Meadows is becoming more dangerous, and that Hwy 16 is the gateway to the hills and tourist sites. He indicated concern that there will be more traffic along Hwy 16 and suggested there could be a better location for the store. Shirley Frederick suggested supporters of the rezoning, do so for the convenience of shopping and profit making. She indicated the list of concerns affect all in the long term; and listed several concerns as being the beauty and sacredness of the hills, business ethics of Wal-Mart, need for jobs paying good wages and benefits, the effect on the downtown area, effect on small business and tourism. She asked the Council to vote no on the rezoning. Rick Livesey opposed the zoning change because it does not fit in a smart growth plan. He indicated that if the City allows a building of this size and that occupancy rating to be located that far out of town, is not accessible to the public or employees. He indicated there is no consideration for the bicyclist and children on bikes, or a bus stop, and suggested it is not a good plan to spot zone. Mike Howe suggested smart growth does not start from the outside and moves to the inside. He is not convinced that the approach to this development is correct. In response to a question from Howe, City Attorney Green advised that in order to refer an action of the Council, five percent of the number of registered voters in the City, not the County, need to sign a petition. Casey Peterson reported that from 1999 to 2004 traffic grew 130% on LaCrosse Street; and given the DOT traffic, in the years they were stable when they were not opening and closing roads, it grew to three to six percent. He indicated concern about the traffic in his area and suggested the need for a traffic study that includes the rest of the development in his area. Peterson asked that should the Council pass it, the Council ask for a condition, that the rearage road is built and built to a higher volume and should be done by the time the store is ready for occupancy and not two-years later. Peterson displayed photos of the Wal-Mart store front located in Longmont Colorado. In response to a question from Alderman Kooiker about the design, it was reported that Wal-Mart has selected materials that are unique to the area and the quality of the design is similar to what was done in Longmont. The landscape and parking designs were briefly reviewed. Alderman Johnson encouraged Wal-Mart to consider more parking than the required number because of the campers.

Pat Wyss, Chamber of Commerce President indicated the Chamber has many initiatives to promote small businesses, such as the City Centerl, the Mount Rushmore Road proposal, educational seminars for business owners and their employees. He suggested there is a need for big business to help with the diversity, with economies, and to provide the products and services that the residents expect, as well as the visitor. He pointed out that the proposed site,

under consideration, has been in the future land use plan for commercial development for many years; and this is a site that is accessed by a major four-lane highway. He also pointed out that the applicant has made many accommodations with the landscape buffering, the lights that protect the night sky, the landscape in the island, the building architecture; and those have all been accomplished through many hours of negotiations. Wyss indicated that the Chamber is promoting Rapid City as a pedestrian friendly / bicycle friendly community and some consideration for sidewalks might make sense in this location. He indicated that it really is not a City Council decision to chose what businesses we want to welcome and what businesses we do not want to welcome; but that we should set high standards for properties of this type. He encouraged the Council to make a decision. He reminded the Council that in 2005 the Chamber took a vote, wrote a letter to the Mayor, encouraging the City Council to establish a high-level scenic design standard on Hwy 16 that would be accompany the commercial development.

Kay Commerford reported living on the ranch for 43 years and witnessing the change along the highway . She had seen a pattern she referred to as a building phenomon. She pointed out the large government complex in process on the west side of the highway. She indicated that what her neighbors seek and want, is what was 20-30 years ago and that time is long past. She pointed out that the Wal-Mart site is not the only building project pending. She suggested a second Wal-Mart will have a far less impact on Rapid City and the surrounding area, as compared to what the connector will create. Steven Brenden commented that Wal-Mart is seeking a Variance and the infrastructure needs will be paid by someone other than Wal-Mart. He suggested a better location is Hwy 79. He also suggested that this decision should be referred to the citizens of Rapid City. Tom Katus commented that he appealed this decision; and indicated that he had asked that the store be located somewhere other than Hwy 16. He indicated a need a smart growth assessment. In response to a question from Alderman Kooiker about a referendum, City Attorney Green explained that the Council can not refer a matter to the public for a vote. Mike Mueller briefed the members on the tourism tax collected in Pennington County. Ritchie Nordstrom, Chief Steward AFSCME indicated concern about Wal-Mart and its values and the effect it has upon its employees. He indicated that this store is known for low prices and its low wages and little benefits. He indicated that they would like to see all the construction and building materials purchased locally. Sean Duffy stressed concern wth traffic along Hwy 16, the traffic study, and safety of cars and pedestrians and suggested the City needed to be concerned about the evnvironment impact. Tim Haggerty spoke of small business and asked the Council to deny the items on the agenda. Nadine Thomas noted the number of individuals that offered support and the majority that have spoken out against the issues. She suggested a better location is at the intersection of 5th Street / Catron Blvd. Julie Mueller indicated that on one has ever told her how a big box retailer is good economic development. She suggested it will not bring new tax revenue but only shift from existing businesses. She also suggested it will be the tax payer who will cover the cost of extending the infrasturture to this area. Mary Jo Burnett commented that the Council is the leadership that will envoke the vision on the direction of Rapid City. She did not want to see the gateway into the hills become a strip mall and suggested that if one comes they will all come. She talked about the crime and the high number of calls because of the criminal activity. Charlie Weir spoke out against locating Wal-Mart on Hwy 16. He also indicated that there are too many billboards along Hwy 16. He suggested there is no financial benefit and suggested Wal-Mart is a symptom of a problem. Kerry Papendick spoke of a good neighbor presence and suggested this is the wrong site for this store. She asked for an independent traffic study. Dave Bussard, Assistant Manager commented that they take their environment seriously and practice good environmental common sense to ensure the environment is protected. He pointed out that they are a diverse

employer and that they are a training store. Judy Heller, spoke of her many opportunities, and wages earned at Wal-Mart, and the benefits offered to her, as well as the promotions. She spoke of her family history and the family members who live in the surrounding areas and in the City. Ryan Brink spoke of his opportunities with Wal-Mart and asked the Council to make a decision. Renate Naber, as a Wal-Mart Personnel Assistant listed the type and number of benefits available to employees. Tom Krafka spoke of the traffic and study prepared by Wal-Mart and asked for an independent traffic study. Lynn Hart spoke of wages earned in South Dakota suggesting we are living below poverty level, She indicated that she is a supporter of Unions. She suggested the community needs businesses that are educational. She asked for a vote against. Julia Montgomery indicated this issue has spurred division in the community. She indicated that this is the wrong place for Wal-Mart. She expressed concern about traffic and water contamination. Ken Edel suggested traffic problems can be fixed. He pointed out that all retail is located in north Rapid which creates a traffic problem. He suggested services are need in south Rapid. He pointed out that the one freedom you do not have in a free country is the freedom to pick someone else's freedom. He pointed out the number of stipulations that are required to build on Hwy 16 and suggested only big business will be able to afford to build in this location. Brian Hagg, Attorney for Commerford suggested caution when offering rights of free speech. He spoke of the traffic study reviewed by DOT, and suggested those requesting an independent traffic study order the study at their own expenses rather than at the expense of the tax payer. He suggested the construction of the Southeast Connector set the stage for development. He pointed out that Wal-Mart has met the requirements put before them and suggested this is responsible growth.

Johnson moved, second by Okrepkie and carried to close the public comment.

Again, Alderman Johnson asked that first reading be approved, and remaining items continued, and second reading set for February 20, 2006. He reiterated his concerns about the design of the roadway and the numbers of trips expected. Alderman Hurlbut commented that traffic is the concern along with safety. He suggested there is clear indication that this is the wrong location. He reiterated his concern that there are hidden taxpayer subsidies. Just as Wal-Mart will not consider another location, so should the City refuse to unreasonably compromise. Although compromise is necessary, it should be noted that the City has not been given choices on what land is to be approved. Hurlbut offered support for an independent traffic study, using real traffic numbers from peak times; and a smart growth audit. He offered support of the intent to speak with the Governor regarding access along Hwy 16. Hurlbut suggested the stipulations should be considered and discussed in detail and asked for a working session, taking no public comment, to review and work on the details. Alderman Hadley suggested this is still not a Wal-Mart issue; although he understands the concerns of those living in this area. He explained that when the future land use was put in place, it is wrong to tell a business that they can not come to the City. He indicated that it is the people's right to tell a business that they can not come to the City. He did not support putting Wal-Mart at this location. He reminded everyone that the City does not have jurisdiction over Hwy 16, this is a State highway. Alderman Olson spoke of the beauty along Hwy 16. She pointed out that she still had not heard how the rearage road is being completed from Catron Blvd to Sammis Trail. She indicated that her personal preference was that this area be zoned Office Commercial; and that she was not enthusiastic about a big box store at this location.

Upon a roll call vote, Ordinance No. 5083 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 20, 2006 at 7:00 P.M., with

the following voting AYE: Kroeger, Hadcock, Chapman, Kooiker, Schumacher, Hadley, Olson, and Okrepkie; NO: Johnson and Hurlbut.

The Mayor presented No. 05PL129, a request by Buescher Frankenberg Associates, Inc. for Wal-Mart Stores, Inc. for a **Layout Plat** on Lots 1 through 6, Wal-Mart Second Addition Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, located east of U.S. Highway 16 and north of Sammis Trail. Kroeger moved, second by Hadcock to approve the Layout Plat with the following stipulations: 1. Prior to Layout Plat approval by the Planning Commission, a Master Plan for the entire parcel shall be submitted for review and approval; 2. Prior to Layout Plat approval by the City Council the Traffic Impact Study shall be revised addressing red lined comments and returned for review and approval; 3. Upon submittal of a Preliminary Plat application, a drainage and grading plan, as well as an erosion and sediment control plan, shall be submitted for review and approval. In particular, the drainage plan shall show flow quantities, directions, collection system elements and any required detention. In addition, the plat document shall be revised to provide drainage easements as identified; 4. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, the sanitary sewer service shall be extended along Catron Boulevard and south along the location of the rearage road to the subject property. In addition, the sanitary sewer plans shall show profiles, manholes, the proposed route to the subject property, location of the existing City of Rapid City sanitary sewer system and the discharge point. The sanitary

sewer plans shall be sized to accommodate the proposed Hyland Park Subdivision, the lift station north of the property along U.S. Highway 16, the subject property and the area between the subject property and Catron Boulevard. Utility easements and/or public rights-of-way shall also be recorded at the Register of Deed's Office for any off-site extension of sanitary sewer services located outside of existing rights-of-way or utility easements. In addition, the applicant shall identify funding for the improvement(s); 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In particular, a 12 inch water main shall be extended from Catron Boulevard along the rearage road providing a looped service with the existing water main located in U.S. Highway 16. In addition, the water plan shall provide a water system analysis, including identifying the source(s), quantities of domestic and fire flows, looping, etc. Utility easements and/or public rights-of-way shall also be recorded at the Register of Deed's Office for any off-site extension of water services located outside of existing rights-of-way or utility easements. In addition, the applicant shall also identify funding for the improvement(s); 7. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval providing for the extension of private and public utilities through the subject property as well as to adjacent properties. In particular, the utility master plan shall identify utility extensions to the east providing a future connection for the Hyland Park Subdivision, south to Commerford Ranch properties and north and east to undeveloped properties; 8. Upon submittal of a Preliminary Plat application, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with additional turning and stacking lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, road construction plans for the new Sammis Trail shall be submitted for review and approval. In particular, the road construction plans shall show Sammis Trail located in a 100 foot wide right-of-way and constructed with a paved surface to provide the turning lanes, stacking lanes and thru lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat application, road construction plans for the existing Sammis Trail shall be submitted for review and approval. In particular, the road construction plans shall show Sammis Trail located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the street shall be vacated; 11. Upon submittal of a Preliminary Plat application, road construction plans for the improvements for Moon Meadows Drive as it intersects with U.S. Highway 16 shall be submitted for review and approval. In particular, the construction plans shall provide turning and stacking lanes along Moon Meadows Drive as per the Traffic Impact Study; 12. Upon submittal of a Preliminary Plat application, road construction plans for the rearage road shall be submitted for review and approval. In particular, the road construction plans shall show the rearage road located in a minimum 60 foot wide right-of-way and constructed with a minimum of three paved lanes as per the Traffic Impact Study. In addition, the street shall be constructed with curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations must be obtained. In addition, the plat document shall be revised to show the dedication of all the right-of-way from the subject property or the adjacent property owners shall dedicate the east half of the right-of-way as a part of the Preliminary Plat or as a separate plat action or as an "H" Lot; 13. Upon submittal of a Preliminary Plat application, road construction plans for the proposed commercial street being

extended through the property located south of the new Sammis Trail shall be submitted for review and approval. In particular, the commercial street shall be located in a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 14. Upon submittal of a Preliminary Plat application, road construction plans for the proposed access easement shall be submitted for review and approval. In particular, the access easement shall be located in a minimum 59 foot right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 15. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located in the southwest corner of the property shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 16. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a non-access easement along U.S. Highway 16 and the new Sammis Trail. In addition, a non-access easement shall be shown along the rearage road except for the approved approach location(s). The plat document shall also continue to show the non-access easement(s) along Lots 3 and 4 precluding access from "Lot 2" as per the Traffic Impact Study; 17. Upon submittal of a Preliminary Plat application, design plans for the proposed signals to be located at the intersection of U.S. Highway 16 and the new Sammis Trail and the intersection of the new Sammis Trail and the access easement extending north into Lot 2 shall be submitted for review and approval. In particular, the design plans shall address cycle length, minimum/maximum green times, calculated yellow and red times, detector location(s), etc. In addition, the design plans shall demonstrate coordination between the two signals; 18. Prior to the start of construction within the U.S. Highway 16 right-of-way, a Right-of-way Permit shall be obtained from the South Dakota Department of Transportation; 19. Upon submittal of a Preliminary Plat application, a subdivision estimate form shall be submitted for review and approval; 20. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 21. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 22. Upon submittal of a Preliminary Plat application, construction plans for the extension of the rearage road to Catron Boulevard shall be submitted for review and approval. In addition, upon submittal of a Final Plat application, surety shall be posted for the improvement; and, 23. Upon submittal of a Preliminary Plat application, the Traffic Impact Study shall be revised to address street connections to South Dakota Highway 79 and Spring Creek Road.

Substitute motion was made by Hurlbut, second by Johnson to continue items 5, 6 & 7 to the February 20, 2006 Council meeting. Upon a roll call vote, the substitute motion failed with the following voting AYE: Hurlbut and Johnson; NO: Kroeger, Hadcock, Chapman, Kooiker, Schumacher, Hadley, Olson, and Okrepkie.

Responding to a question from Alderman Hurlbut, City Attorney Green indicated that as a practical matter the remaining items under consideration can not proceed until second reading of the ordinance is approved.

Upon a roll call vote to approve the Layout Plat with stipulations, the following voted AYE: Hadcock, Chapman, Kooiker, Schumacher, Hadley, Olson, Okrepkie, and Kroeger; NO: Hurlbut and Johnson. Motion carried.

The Mayor presented No. 05SV078, a request by BFA, Inc. for Wal-Mart Stores, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and additional pavement and to waive the requirement to dedicate additional Right-of-Way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located in Sections 34 and 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 1326.32 feet to a 5/8" rebar w/cap "4225" which is the west Section $\frac{1}{4}$ corner of Section 35, T1N, R7E, BHM; Thence fourth course: S89°42'51"W, a distance of 104.64 feet along the east-west Section $\frac{1}{4}$ line of Section 34, T1N, R7E, BHM to a 5/8" rebar w/cap "4225" located on the east right of way line of South Dakota Highway 16 and the beginning of a nontangent curve, concave to the northwest, having a radius of 2492.00 feet, a delta angle of 15°55'17", a chord bearing of N15°16'33"E, and a chord length of 690.25 feet; Thence fifth course: Northeasterly along said curve and the east right of way of South Dakota Highway 16, through an angle of 15°55'17", and an arc length of 692.47 feet to a 5/8" rebar w/cap "4225" which is the beginning of a nontangent line; Thence sixth course: N82°41'04"W along the east right of way of South Dakota Highway 16, a distance of 50.00 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 658.85 feet to a 5/8" rebar w/cap "4225"; Thence eighth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence ninth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, and in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 34, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 53.717 acres, more or less, located east of U.S. Highway 16 and north of Sammis Trail. Okrepkie moved, second by Kroeger that the Variance to the Subdivision Regulations to waive the requirement to provide additional pavement along U.S. Highway 16 be tabled; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along U.S. Highway 16 be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to dedicate additional right-of-way along the internal access easement be approved with the following stipulation: 1. Upon submittal of a Final Commercial Development Plan, pedestrian access shall be provided through the site, lighting shall be provided throughout the parking lot and along the access easement as needed, a separation shall be provided between the access easement and the parking area and utilities shall be extended as needed to serve proposed Lot 2 as well as adjacent Lots 1, 3 and 4; and that the Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the existing Sammis Trail be

approved with the following stipulations: 1. The first 220 feet of Sammis Trail as it extends south from the intersection of the new Sammis Trail and the rearage road shall be constructed with a minimum 26 foot wide paved surface; and, 2. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the balance of the improvements. Upon a roll call vote to approve the Variance, the following voted AYE: Chapman, Kooiker, Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, and Hadcock; NO: Hurlbut. Motion carried.

The Mayor presented No. 05PD077, **an appeal of the Planning Commission's decision** on the request by BFA, Inc. for Wal-Mart Stores, Inc. for a **Planned Commercial Development - Initial Development Plan** on a tract of land located in Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, a $\frac{1}{2}$ inch pipe, thence S00°02'58"E along the section 1/16 line, a distance of 868.95 feet to the Point of Beginning; Thence first course: S00°02'58"E along the section 1/16 line, a distance of 467.74 feet to the southeast corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, a 5/8" rebar w/cap "4225"; Thence second course: S00°02'58"E along the section 1/16 line a distance of 1331.33 feet to a 5/8" rebar w/cap "4225", which is the southeast corner of the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM; Thence third course: N89°24'46"W along the east-west Section $\frac{1}{4}$ line of same Section 35, a distance of 626.98 feet to a point on the south edge of proposed Sammis Trail and the beginning of a nontangent curve, concave to the northeast, having a radius of 427.00 feet, a delta angle of 23°34'48", a chord bearing of N37°36'06"W, and a chord length of 174.49 feet; Thence fourth course: Northwesterly along said curve and the south edge of proposed Sammis Trail, through an angle of 23°34'48", and an arc length of 175.73 to the beginning of a tangent line; Thence fifth course: N25°48'42"W, along the south edge of proposed Sammis Trail, a distance of 414.39 feet to the beginning of a tangent curve, concave to the southwest, having a radius of 481.20 feet, a delta angle of 56°52'22", a chord bearing of N54°14'53"W, and a chord length of 458.28 feet; to the beginning of a nontangent line and the east right of way line of South Dakota Highway 16; Thence sixth course: N07°18'56"E, along the east right of way line of South Dakota Highway 16, a distance of 557.85 feet to a 5/8" rebar w/cap "4225"; Thence seventh course: N07°18'56"E along the east right of way line of South Dakota Highway 16, a distance of 598.55 feet; Thence eighth course: S83°18'29"E a distance of 1144.76 feet to the Point of Beginning, all located in the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 35, T1N, R7E, BHM, Pennington County, South Dakota. Said parcel contains 45.770 acres, more or less, located east of U.S. Highway 16 and north of Sammis Trail. Okrepkie moved, second by Kroeger to deny the appeal. Substitute motion was made by Hadcock, second by Okrepkie to uphold the action of the Planning Commission. Upon a roll call vote, the motion carried with the following voting AYE: Chapman, Kooiker, Schumacher, Hadley, Olson, Okrepkie, Kroeger, Hadcock, and Hurlbut; NO: Johnson.

Okrepkie moved, second by Johnson to reconsider moving the Legal & Finance Committee meeting to Tuesday, February 14, 2006; to convene at the conclusion of the Public Works Committee meeting. Upon a roll call vote, the motion failed with the following voting AYE: Kooiker, Okrepkie, and Johnson; NO: Schumacher, Hadley, Olson, Kroeger, Hadcock, Hurlbut, and Chapman.

Kroeger moved, second by Chapman and carried to open public comment.

The Mayor presented No. 04PL097, a request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Kroeger moved, second by Okrepkie to approve the Layout Plat with the following stipulations: 1. The Exception request to allow 80 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a second point of access; 2. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall request oversizing reimbursement from the City in writing if applicable. Supplemental tap fees shall also be paid as required; 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall request oversizing reimbursement from the City in writing if applicable. Supplemental tap fees shall also be paid as required; 6. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, road construction plans for a north-south minor arterial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan changing the street classification shall be obtained; 9. Upon submittal of a Preliminary Plat application, road construction plans for Sammis Trail shall be submitted for review and approval. In particular, the road construction plans shall show Sammis Trail located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant shall provide documentation identifying the existing dedicated right-of-way for the relocation of Sammis Trail or the plat document shall be revised to include the dedication of right-of-way for Sammis Trail or an "H Lot" shall be recorded at the Register of Deed's Office; 10. Upon submittal of a Preliminary Plat application, road construction plans for the section line

highway(s) located along the east lot line and the south lot line shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 27 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 highways shall be vacated; 11. Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 12. Upon submittal of a Preliminary Plat application, details of the proposed park lots shall be submitted for review and approval. In addition, the applicant shall identify ownership of the lots. If the applicant intends for the park lots to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council; 13. Upon submittal of a Preliminary Plat application, the applicant shall identify ownership of the proposed drainage lot. If the applicant intends for the lot to be owned and maintained by the City, then the applicant shall obtain City Council approval prior to Preliminary Plat approval by the City Council; 14. Upon submittal of a Preliminary Plat application, a revised Phasing Plan shall be submitted for review and approval; 15. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 16. Upon submittal of a Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 17. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show a 30 foot wide planting screen easement along the east, north and west lot lines as shown on the applicant's site plan. In addition, a 10 foot wide planting screen easement shall be shown along the north-south minor arterial street or a Variance to the Subdivision Regulations shall be obtained; 18. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 19. Prior to Preliminary Plat approval by the City Council, an Approach Permit shall be obtained from the South Dakota Department of Transportation; 20. Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 21. Prior to submittal of a Final Plat, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 22. Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 23. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits. In addition, the property shall be Rezoned from No Use District to Low Density Residential District with a Planned Development Designation prior to issuance of a building permit; 24. 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; and, 25. 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. Upon a roll call vote, the following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hurlbut, Chapman, and Kooiker; NO: Hadcock. Motion carried.

The Mayor presented No. 04SV042, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter**

16.16 of the Rapid City Municipal Code on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Hurlbut moved, second by Okrepkie that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit and to dedicate additional right-of-way along a portion of Sammis Trail be tabled at the applicant's request; and, that the Variance to the Subdivision Regulations to allow lots twice as long as wide be approved. Upon a roll call vote, the following voted AYE: Hadley, Olson, Okrepkie, Johnson, Kroeger, Hurlbut, Chapman, Kooiker, and Schumacher; NO: Hadcock. Motion carried.

The Mayor announced the meeting was open for hearing on No. 04RZ037, second reading of **Ordinance No. 4079**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail. Notice of hearing was published in the Rapid City Journal on July 24, 2004 and July 31, 2004. Ordinance No. 4079 having had the first reading on July 19, 2004, it was moved by Okrepkie, second by Kroeger that the title be read the second time. The following voted AYE: Schumacher, Hadley, Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance No. 4079 the second time.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 12:20 A. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)