



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

PLANNING DEPARTMENT

300 Sixth Street

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August 6, 2002

Mr. Fred Simpson
 Director, US Tower Construction
 Western Wireless Corporation
 3650 131st Ave SE, Suite 400
 Bellevue, Washington 98006

Re: Use On Review 01UR042 – Cellular Tower

Dear Mr. Simpson:

The City of Rapid City hereby gives notice of intent to revoke for cause Conditional Use Permit (formerly known as Use on Review) #01UR042 authorizing a cellular tower on Tract "A" of Tract 1 of the W1/2 SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Such revocation is based on the continued failure of Western Wireless Corporation to meet the requirements and maintain the conditions as specified in the action by the Rapid City City Council approving the Conditional Use Permit (formerly known as Use on Review) on October 15, 2001.

A copy of the Official Preceedings of the City Council outlining the stipulations of approval is attached to this letter. Specifically, stipulation 6 states "The tower shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority and that red strobe lighting will be utilized if lighting is required." Western Wireless is currently in violation of this stipulation as white strobe lights are installed and operating on the tower.

I have previously been in contact with Ron Rotelle regarding this violation of the stipulations of approval. It is my understanding that Clair Sutton is also aware of this violation. To date, no corrective action has been taken. For this reason on August 5, 2002, the Rapid City City Council directed City staff to contact the applicant regarding this on-going violation and seek corrective action.

Pursuant to the provisions of Section 17.54.030 (J) of the Rapid City Municipal Code this notice is given in writing thirty days prior to the actual revocation of the Conditional Use Permit. If



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during that thirty day period, proof of compliance is made by the holder of the conditional use permit, the conditional use permit shall be continued in force. If a hearing is requested following receipt of this notice of intent to revoke and prior to the expiration of the thirty day notice period, a public hearing shall be scheduled before the Rapid City Planning Commission and a final determination on such revocation shall be made.

Please contact me at (605) 394-4120 at your earliest convenience to discuss the steps that will be taken by Western Wireless to resolve this violation. I appreciate your assistance in resolving this issue as quickly as possible.

Sincerely,

Marcia Elkins

Marcia Elkins
Planning Director

Xc: Jason Green, Assistant City Attorney
Mayor Jerry Munson
Ron Rotelle