

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
November 3, 2003

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 3, 2003 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Alan Hanks, Tom Murphy, Martha Rodriguez, Bill Waugh, Ray Hadley, Ron Kroeger, and Jeff Partridge. The following Alderpersons arrived during the course of the meeting: Sam Kooiker; Jean French and Rick Kriebel; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Growth Management Director Marcia Elkins, Asst. City Attorney Jason Green, Police Captain Ed Hofkamp, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon, and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Hanks, seconded by Rodriguez and carried to **approve the minutes** of October 20, 2003.

Adoption of the Agenda

Kroeger requested that an Executive Session be added at the end of the meeting to discuss pending litigation. Motion was made by Waugh, seconded by Rodriguez and carried to approve the agenda, as modified.

General Public Comment

Laurette Pourier appeared before the City Council to inform them of the **Ohitika Women's Shelter for Domestic Violence**. She outlined the services provided by the Shelter, its location, and the services they have provided in the community for the last four years.

Bob DeMersseman briefed the Council on the activities of the **Economic Development Office** and gave a history of the organization and the programs it offers.

Bid Openings

The following companies submitted bids for No. CC110303-01 – **Portable Generator** for the Utility Maintenance Division, which were opened on October 23, 2003: 1) Butler Machinery; 2) Technology International; 3) Bierschbach Equipment; 4) GenPro Power Systems, Inc.; and 5) Cummins Great Plains, Inc. Motion was made by Hanks, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

Items from the Mayor

Shaw explained that the recipient of the **Citizen of the Month Award** was not able to attend tonight's meeting. The presentation of this award will be made at a future meeting.

Project Manager Rod Johnson updated the City Council on the **2012 Projects**. He also submitted information on the Dahl Center Expansion project. Several questions were raised by Council members relating to the scope of the Dahl Expansion project, the construction budget, hiring an architect, and the proposed timeline. Johnson noted that representatives from the Dahl will be at the November 12th Legal & Finance Committee meeting to discuss

the project. He recommended that they also meet with the 2012 Committee so that everyone has the same information and understanding of this project. Partridge asked if the Council established any policies relative to the approved 2012 projects and the funding those organizations were required to contribute. Hanks explained that the Council required other organizations to have at least two-thirds of their required funding in the bank before any funds were released for design of the project. Partridge stated that he doesn't feel that requirement has been met by the Dahl at this time. Johnson encouraged the Council to meet as the 2012 Committee with representatives of the Dahl so that these questions can be answered.

Continued Items Consent Calendar – Items 6-36

The following items were removed from the Continued Items Consent Calendar:

14. No. 03PL067 - A request by FMG, Inc. for Bypass LLC for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
26. No. 03VR010 - A request by Don Ward for Redrock Development Company LLC and Selador Ranches, Inc. for a **Vacation of Section Line Highway** on the west 2094.7 feet of the sixty six foot wide section line highway lying between Sections 20 and 29, T1N, R7E, BHM; the north 3175.4 feet minus the 68 foot right-of-way (Muirfield Drive) of the sixty six foot wide section line highway lying between Sections 29 and 30, T1N, R7E, BHM; the south 200 feet of the sixty six foot wide section line highway lying between Sections 19 and 20, T1N, R7E, BHM; and, the east 33 feet of the sixty six foot wide section line highway lying between Sections 19 and 30, T1N, R7E, BHM; Rapid City, Pennington County, South Dakota, located west of Red Rock Estates.

Motion was made by Hanks, seconded by Murphy and carried to continue the following items, as noted:

Continue the following items until November 17, 2003:

6. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street.
7. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less

right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.

8. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
9. No. 03PL042 - A request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of Pluto Drive and Reservoir Road.
10. No. 03PL050 - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located at 3505 Western Avenue.
11. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
12. No. 03PL052 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.
13. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
15. No. 03PL079 - A request by Renner & Sperlich Engineering for Doyle Estes for a **Preliminary and Final Plat** on Lot 2R and Lot BR of the Washburn Lot, located in

Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, less Lot H-1 of Lot 1 and 2 of the Washburn Lot, and Lot B of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of West Main Street and Jackson Boulevard.

16. No. 03PL084 - A request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue.
17. No. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **Preliminary and Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
18. No. 03PL089 - A request by Dream Design International, Inc. for Hank Craig for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the 4200 block of Parkview Drive.
19. No. 03PL100 - A request by Wyss Associates, Inc. for Hart Ranch Development Co. for a **Layout Plat** on a portion of Hart Ranch Golf Course Parcel less Village on the Green Subdivision and less Village on the Green #2 Subdivision (also in Section 12 and 13), Hart Ranch Development, Section 11, T1S, R7E, BHM, Pennington County, South Dakota, located in the Hart Ranch Development between Mulligan Mile and Arena Drive.
20. No. 03SV013 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
21. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.

22. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of U.S. Highway 16 and Moon Meadows Road.
23. No. 03SV036 - A request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
24. No. 03SV039 - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of

624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.

25. No. 03VE013 - A request by Jason Renken for a **Vacation of Utility Easement** on Lot 12, Eden Gardens Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Eden Lane.

Continue the following items until December 1, 2003

27. No. 03AN011 - A request by FMG, Inc. for Bill Freytag for a **Petition for Annexation** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more or less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more or less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more or less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more or less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more or less, to the Point of Beginning, located along Nicole Street.
28. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
29. No. 03PL090 - A request by Davis Engineering for Lyle Hendrickson for a **Layout, Preliminary and Final Plat** on Tract A and Tract B of Henrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 110 East Watertown Street.
30. No. 03PL091 - A request by Renner and Sperlich for Doeck, LLC for a **Layout, Preliminary and Final Plat** on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South

Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Chalkstone Drive and Auburn Drive.

31. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Layout, Preliminary and Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
32. No. 03RZ038 – Second Reading, **Ordinance 3989**, a request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Rezoning from No Use District to General Commercial District** on, legally described as a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
33. No. 03RZ043 – Second Reading, **Ordinance 3997**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of

279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

34. No. 03RZ044 – Second Reading, **Ordinance 3998**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
35. No. 03SV034 - A request by Davis Engineering for Lyle Hendrickson for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A and Tract B of Hendrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 110 East Watertown Street.
36. No. 03SV040 - A request by FMG, Inc. for Bill Freytag for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence

N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

End of Continued Items Consent Calendar

The Mayor presented No. 03PL067, a request by FMG, Inc. for Bypass LLC for a **Preliminary Plat** on Lots 1 through 9 of Block 1, Lots 1 through 3 of Block 2, Lots 1 through 6 of Block 3, all of I-90 Heartland Business Park, and dedicated public right-of-way shown on Elk Vale Road, Seger Drive, Taggart Road and Galt Court located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road. Acting Public Works Director Ted Vore requested that Stipulation No. 1 be revised to indicate "prior to final plat approval by the Planning Commission". Motion was made by Hanks, seconded by Waugh and carried to approve the Preliminary Plat, with the following stipulations, as revised by the Public Works Director: 1. Prior to Final Plat approval by the Planning Commission, the applicant shall enter into an oversize reimbursement agreement with the City for the design and construction of affected sanitary sewer and water distribution system components within the subdivision; 2) Prior to Preliminary Plat approval by the City Council, a revised drainage report and grading plan shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised addressing redline comments from the City Engineering; 4) Prior to Preliminary Plat approval by the City Council, the revised construction plans shall be reviewed and approved by the City Engineering; 5) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 6) The Uniform Fire Codes shall be continually met; 7) Prior to Final Plat approval by the City Council, the plat document shall be revised to show "Elk Vale Road" as "N. Elk Vale Road"; 8) Prior to Preliminary Plat approval by the City Council, approach permits along Elk Vale Road for Mall Drive and Seger Drive shall be obtained; 9) Prior to Preliminary Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the east-west minor arterial street located along the north lot line approximately 500 feet south as shown on the plat document or the plat document shall be revised to provide a minor arterial road in the previously adopted location; 10) Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; and, 11) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

The Mayor presented No. 03VR010, a request by Don Ward for Redrock Development Company LLC and Selador Ranches, Inc. for a **Vacation of Section Line Highway** on the west 2094.7 feet of the sixty six foot wide section line highway lying between Sections 20 and 29, T1N, R7E, BHM; the north 3175.4 feet minus the 68 foot right-of-way (Muirfield Drive) of the sixty six foot wide section line highway lying between Sections 29 and 30, T1N, R7E, BHM; the south 200 feet of the sixty six foot wide section line highway lying between Sections 19 and 20, T1N, R7E, BHM; and, the east 33 feet of the sixty six foot wide section line highway lying between Sections 19 and 30, T1N, R7E, BHM; Rapid City, Pennington County, South Dakota, located west of Red Rock Estates. Motion was made by Partridge and

seconded by Rodriguez to deny the request. Substitute motion was made by Hanks to approve the following Resolution:

RESOLUTION OF VACATION OF SECTION LINE HIGHWAY

WHEREAS it appears that a portion of the section line highway on the west 2094.7 feet of the sixty six foot wide section line highway lying between Sections 20 and 29, T1N, R7E, BHM; the north 3175.4 feet minus the 68 foot right-of-way (Muirfield Drive) of the sixty six foot wide section line highway lying between Sections 29 and 30, T1N, R7E, BHM; the south 200 feet of the sixty six foot wide section line highway lying between Sections 19 and 20, T1N, R7E, BHM; and, the east 33 feet of the sixty six foot wide section line highway lying between Sections 19 and 30, T1N, R7E, BHM; Rapid City, Pennington County, South Dakota, more generally described as being located west of Red Rock Estates is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said section line highway to be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the section line highway heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated; and,

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of section line highway in regard thereto.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. Growth Management Director Elkins noted that the required information has been submitted, however, it was past the 4:00 deadline last Wednesday. She noted that if the Council wishes, they could approve the requested section line vacation. Rodriguez stated that she will vote against approval of this item because the information was not submitted by the deadline. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy, Waugh, Hadley, Kroeger and Kriebel; NO: Rodriguez and Partridge. Substitute motion carried, 8-2.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Patricia Weaver dba **Gas N Snax**, 418 Knollwood Drive, for an Off-Sale Liquor License Transfer (from Clayton & Donna Jerred). Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, November 17, 2003:

38. Rapid City Fine Arts Council, Inc. for a Special Malt Beverage License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 5, 2003
39. Rapid City Fine Arts Council, Inc. for a Special Wine License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 5, 2003

- 40. Rapid City Fine Arts Council, Inc. for a Special Wine License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 4, 2003
- 41. **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening
- 42. **City of Rapid City**, for an On-Sale Liquor License Renewal and Sunday Opening, said license to be used at the Rapid City Regional Airport (Rural Route 2, Box 6335) and the Rushmore Plaza Civic Center, 444 Mt. Rushmore Road
- 43. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Sale Wine License Renewal
- 44. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal
- 44A. **Fraternal Order of Eagles**, Rapid City Aerie No. 3555, 1410 Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
- 44B. Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Sale Wine License Renewal
- 44C. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Sale Wine License Renewal

Consent Calendar Items – 45-78

The following items were removed from the Consent Calendar:

- 46. Approve payment in the amount of \$889.49 from the Parks Department budget for the installation of an automatic irrigation system for the Rapid City Youth Boxing facility, as requested by Dexter Wittman.
- 47. No. PW082603-01 – Deny a request from Kent Hagg for a Special Exception to City Ordinance 13.04.350 and 13.08.130.
- 49. No. PW102803-01 – Approve the Policy Statement for the Consultant Selection Process.
- 59. Authorize use of the subsidy money designated for the Dahl to repair the heating and cooling system at the Dahl Annex.
- 60. Confirm the Mayor's appointment of Scott Nash as the Ward 1 Representative to the Planning Commission.
- 64. No. LF091003-05 – Approve Infrastructure Development Partnership Loan – Doyle Estes and Kathryn Johnson for Homestead Street/Timmons Boulevard/Bernice Street with the condition that the agreement include some park area and green space.

Motion was made by Kroeger, seconded by Waugh and carried to approve the following items as they appear on the Consent Calendar:

Set for Hearing (December 1, 2003)

- 45. No. 03VR011 - A request by John K. Nooney for a Vacation of Right-of-Way on Lots 1 and 2 of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90.

Public Works Committee Consent Items

- 48. Request staff of the Public Works Department and Fire Department to address the Rapid City Regional Airport water concerns and bring forward a recommendation at the December 9, 2003 Public Works Committee meeting.
- 50. No. PW102803-03 – Approve Change Order No. 01 for Catron Boulevard Improvements Project No. ST01-1047 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$2,772.51.
- 51. No. PW102803-05 – Authorize Mayor and Finance Officer to sign a Permanent Utility Easement with Black Hills Power, Inc. on Lot A of Lot 2 of Tract A in Owen Mann Tract.

52. No. PW102803-07 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with TSP Three, Inc. to Design Mt. View Road Utility Reconstruction, Jackson Blvd. to Omaha Project No. W05-1342 for an amount not to exceed \$20,750.
53. Request staff to install a security light at the northwest corner of the parking lot at the Denver Street soccer field; and request staff to engage Dakota, Minnesota and Eastern in a discussion about the railroad.
54. No. 03VE016 – Approve a Vacation of Utility and Minor Drainage Easement for Renner & Sperlich Engineering for Safe Haven Inc. located at 1130 Jackson Boulevard.

RESOLUTION OF VACATION OF
UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and minor drainage easement on Lot 1 of Lot A of Derby Subdivision located in the NW1/4 of the SW1/4 of Section 2, and in the NE1/4 of the SE1/4 of Section 3, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1130 Jackson Boulevard is not needed for public purpose; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said portion of the utility and minor drainage easement to be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the utility and minor drainage easement heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

55. No. 03VE017 – Approve a Vacation of Utility and Minor Drainage Easement for Wyss Associates, Inc. for BE Development Company, LLC located along Minnewasta Drive at the end of the cul-de-sac.

RESOLUTION OF VACATION OF
UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and minor drainage easement on Lot 3 of Block 1, Skyview North Subdivision, located in the E1/2 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,, more generally described as being located along Minnewasta Drive at the end of the cul-de-sac, is not needed for public purpose; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said portion of the utility and minor drainage easement to be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the utility and minor drainage easement heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 56. Acknowledge the report of a minor agreement with Selador Ranches, that will outline, that in exchange for the reservoir easement the City will provide two (2) water taps for livestock watering.
- 57. Authorize Mayor and Finance Officer to sign a Drinking Water System Security Grant program application for \$2,300.

Legal & Finance Committee Consent Items

- 58. Refer the request that the City adopt an ordinance restricting loitering and public drunkenness in the downtown area and to rewrite the ordinance on panhandling to restrict any and all panhandling, to the Ordinance Review Committee for review and recommendation; and ask that the Ordinance Review Committee work with the police department on this issue.
- 61. Acknowledge that no changes were made to the five year CIP Plan at the last Capital Improvements Committee Meeting.
- 62. No. LF102903-01 – Approve Travel Request for Denise Rossum (Ambulance Department) to attend Sweet Software User Group Workshop in Dallas, TX, from December 8-11, 2003, in the approximate amount of \$1,682.50.
- 63. No. LF073003-09 – Authorize transfer of Tax Deed Property on Saint Patrick Street to Pennington County.
- 65. No. LF102903-02 – Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts.

**RESOLUTION WRITING OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE ACCOUNTS**

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$554.00 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 66. No. LF102903-03 – Approve Resolution Establishing Travel Fund.

RESOLUTION ESTABLISHING TRAVEL FUND

WHEREAS it has been determined that the Department of Fire and Emergency Services requires a Travel Fund to operate efficiently

NOW, THEREFORE, BE IT RESOLVED that a Travel Fund for the Department of Fire and Emergency Services be established in the amount of Five Hundred Dollars (\$500).

BE IT FURTHER RESOLVED that the City Finance Officer is authorized to issue a treasurers check in the amount of \$500 to establish such fund:

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

67. No. LF102903-04 – Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 3rd day of November, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 1, 2003 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 this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

68. Authorize staff to advertise for bids for two 2004 para transit vehicles.
69. No. LF102903-07 – Authorize Mayor and Finance Officer to sign Agreement with Midcontinent Communications (Roosevelt Park Ice Arena).

70. No. LF102903-13 – Authorize Mayor and Finance Officer to sign a Promissory Note with PAJO Properties for funding to construct a cart barn at the Meadowbrook Golf Course.
71. Approve the following licenses: Central Station Service: Emergency 24, Inc., Dante Monteverde; Honeywell International, Inc., Mary Brown.

Raffle

72. No. CC110303-02 - Notification from Rushmore Chapter of ABATE, Inc. of their intent to conduct a raffle, drawing to be held on August 14, 2004.

Planning Department Consent Items

73. No. 03PL068 – Approve the request by Dream Design International, Inc. for a **Final Plat**, located north of South Pitch Drive and Elmer Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Big Sky Subdivision including Lots 10-12, Block 4; Lots 1-11, Block 17, Lots 12-22, Block 15; Lots 3-5, Block 16 of Big Sky Subdivision and Dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2 NW1/4 SE1/4 of Section 3, T1N, R8E, BHM, City of Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Big Sky Subdivision including Lots 10-12, Block 4; Lots 1-11, Block 17, Lots 12-22, Block 15; Lots 3-5, Block 16 of Big Sky Subdivision and Dedicated Elmer Street, Aurora Drive, Carl Avenue and Major Drainage Easements located in the N1/2 NW1/4 SE1/4 of Section 3, T1N, R8E, BHM, City of Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3rd day of November, 2003.

ATTEST:
Ss/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

74. No. 03PL086 – Approve the request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills for a **Preliminary and Final Plat** located east of Coca Cola Lane on North Plaza Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 and 2 of Lot B of Tract 12 of SG Interstate Plaza Subdivision (formerly Lot B of Tract 12 of SG Interstate Plaza Subdivision) located in the S1/2 of the NE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 1 and 2 of Lot B of Tract 12 of SG Interstate Plaza Subdivision (formerly Lot B of Tract 12 of SG Interstate Plaza Subdivision) located in the S1/2 of the NE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

75. No. 03PL096 – Approve the request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on the NE1/4 NW1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus, with the following stipulations: 1) Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 3) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed; 4) Upon submittal of a Preliminary Plat, 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. If an interim Lift Station, shown to be located directly south of the subject property, is to serve the property than a utility easement shall be secured for the Lift Station and subsequent sewer line(s). In addition, the Lift Station shall be designed for future gravity flow into the Elm Street Sanitary Sewer and the Lift Station shall be eliminated at the time of construction of the Sanitary Sewer within the Elm Street right-of-way; 5) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of the Palo Verde Water Zone to serve the subject property; 6) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways 7) Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the right-of-way for Fifth Street located on an adjacent property or the west half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Fifth Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 8) Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the east half of the right-of-way for Elm Street located on an adjacent

property or the east half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Elm Street shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 9) Upon submittal of the Preliminary Plat, road construction plans for the proposed rearage road as a commercial/industrial street shall be submitted for review and approval; 10) Upon submittal of the Preliminary Plat, road construction plans showing the proposed road to be located along the south lot line of the subject property as a local street shall be submitted for review and approval; 11) Upon submittal of the Preliminary Plat, road construction plans for the proposed north-south street as a local street for that portion located in the Medium Density Residential District and as a commercial/industrial street for that portion located in the Office Commercial District shall be submitted for review and approval; 12) Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 13) Prior to Final Plat approval by the City Council, the plat document shall be revised to provide an additional five feet of right-of-way for the section line highway located along the north lot line or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of the north half of the right-of-way for the section line highway located on an adjacent property or the north half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for the section line highway shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 14) Prior to Final Plat approval by the City Council, a non-access easement shall be shown along the perimeter of the subject property except for approved approach locations. In particular, access shall be taken from the lesser order street or a Special Exception to the Street Design Criteria Manual shall be obtained; 15) Upon submittal of the Preliminary Plat, a phasing schedule for the balance of the Master Plan shall be submitted for review and approval. In addition, the Master Plan shall identify that two access streets serve the subject property if more than 40 dwelling units are proposed on the subject property or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained; 16) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 17) Upon submittal of the Preliminary Plat, 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; 18) Upon submittal of the Preliminary Plat, a plat document showing road names shall be submitted for review and approval; 19) Prior to Final Plat approval by the City Council, an approach permit for the Fifth Street approach onto Catron Boulevard shall be obtained; and, 20) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

76. No. 03PL097 – Approve the request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Layout Plat** of Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive, with the following stipulations, and continue the Preliminary and Final Plat until November 17, 2003: 1) Prior to Preliminary Plat approval by the City Council, an evaluation of the increase drainage flows from this phase of the development shall be submitted for review and approval. In addition, necessary mitigation measures shall be

identified; 2) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that all flows from the area within the development and from the basins above the development are being routed within their natural drainage basins, or the applicant shall demonstrate the right to divert drainage into another drainage basin; 3) Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall demonstrate that utility services, especially sanitary sewer services, can be provided to the adjacent upstream area. 4) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that all agreements necessary to assure wastewater connection fees for upgrades, improvements or replacement to the sanitary sewer lift station serving this area, are in effect and that the appropriate fees shall be paid; 5) Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval showing curb, gutter and sidewalk along Haines Avenue or a Variance to the Subdivision Regulations shall be obtained; 6) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 7) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate form shall be submitted for review and approval; 8) Prior to Final Plat approval by the City Council, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 9) Prior to Final Plat approval by the City Council, alternate road names for "Amber Drive" and "Gemstone Place" shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 10) Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the connection of Amber Drive to Haines Avenue; and, 11) Prior to City Council approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

77. No. 03PL098 – Approve the request by Gordon Howie for Galen Steen for a **Layout Plat** on Lots 1 and 2, Steen Subdivision, located in E1/2, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 NE1/4; the west 66 feet of NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a portion of SE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Anderson Road and South Side Drive, with the following stipulations: 1) Upon submittal of a Preliminary Plat, a complete grading plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Upon submittal of a Preliminary Plat, the plat document showing a ditch easement for the South Side Ditch shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, 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; 5) Upon submittal of a Preliminary Plat, 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. If an on-site waste-water system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval; 6) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, utility easements shall be provided as needed; 7) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, soil testing

and design calculations for pavement design shall be submitted for review and approval; 8) Upon submittal of the Preliminary Plat, construction plans for the north-south street shall be submitted for review and approval. In particular, the north-south street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and 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; 9) Upon submittal of the Preliminary Plat, construction plans for the east-west street shall be submitted for review and approval. In particular, the east-west street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and 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; 10) Upon submittal of the Preliminary Plat, a structural site plan shall be submitted for review and approval; 11) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 12) Upon submittal of the Preliminary Plat, 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; 13) All Uniform Fire Code shall be continually met; 14) Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained for the north-south street connection to S.D. Highway 44; 15) Prior to Final Plat approval by the City Council, road names for the two streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 16) Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to allow the proposed 33.4 acre and the 14.3 acre lot; 17) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 18) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

78. No. 03PL101 – Approve the request by Centerline, Inc. for Heartland Development Group LLC for a **Final Plat** located southwest of Seger Drive and Dyess Avenue.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Northstar Subdivision: Plat of Lots 2, 3, 4 & 5 in Block 1, formerly a portion of Lot D of NE1/4 of Section 29, located in NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Northstar Subdivision: Plat of Lots 2, 3, 4 & 5 in Block 1, formerly a portion of Lot D of NE1/4 of Section 29, located in NE1/4 NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3rd day of November, 2003.

ATTEST: CITY OF RAPID CITY
s/ Jim Shaw, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

END OF CONSENT CALENDAR

Motion was made by Kroeger, seconded by Rodriguez and carried to approve payment in the amount of \$889.49 from the Parks Department budget for the installation of an automatic irrigation system for the **Rapid City Youth Boxing facility**, as requested by Dexter Wittman.

Motion was made by Waugh and seconded by Rodriguez to deny a request from Kent Hagg, on behalf of Burnell Lutz, for a **Special Exception** to City Ordinance 13.04.350 and 13.08.130 (No. PW082603-01). Hagg presented a diagram of the property in question and explained the proposal to split the lot. They are requesting an exception to the ordinance that requires water and sewer to each platted lot. Hagg explained that a permanent utility easement will be filed that will grant utility service to each lot. This document will be filed at the Register of Deeds Office and be attached to the property. A separate document will be filed that states if there comes a time when these lots are not owned by the same person, or a new structure is built, the exception will be nullified and separate utilities will be required. Hagg asked that the City Council approve this request for a special exception, with the contingency that the agreement for the variance be filed at the Register of Deeds Office. Hanks asked why the petitioner would split the building in this manner. Hagg explained that the purpose is to obtain an on-sale alcohol license in a portion of the building. Current city ordinance does not allow an on-sale alcohol use on the same property where gasoline is sold. Asst. City Attorney Jason Green advised the Council that there is no mechanism for the City to grant an exception to an ordinance. He recommended that the request be denied. Kooiker moved the previous question; second by Waugh. Kriebel objected. The motion to call the question carried with Kriebel and Hadley voting no. Upon vote being taken, the original motion to deny the request for a Special Exception carried unanimously.

Motion was made by Rodriguez and seconded by Waugh to approve No. PW102803-01 – Policy Statement for the **Consultant Selection Process**. Motion was made by Kooiker and seconded by Waugh to amend the motion on the floor which states that this policy shall apply to the Public Works and Parks & Recreation Departments effective at this time, and the other department heads shall review the Consultant Selection Process and let the City Council know by the first Public Works Committee meeting in December, whether this is a process they can comply with as well. Hanks expressed concern about implementing policies that would be different for different departments. Growth Management Director Elkins stated that because of federal requirements for many of their contracts, they use a different process. They have developed a comprehensive list of firms that have expressed an interest in these proposals and a notice is sent to all the firms when proposals are requested. Substitute motion was made by Rodriguez and seconded by Partridge to refer this item back to the Consultant Selection Committee for further consideration and input from departments on second floor of the City/School Administration Center. Kooiker spoke against the substitute motion and the delay in implementing this policy. He added that this policy has already been reviewed by the Consultant Selection Committee for the Public Works and Parks and Recreation Divisions. Roll call vote was taken: AYE: Murphy, Rodriguez, Waugh, Kroeger, Kriebel and Partridge; NO: Hanks, French, Kooiker and Hadley. Motion to refer to the Consultant Selection Committee carried, 6-4.

Motion was made by Waugh and seconded by Hadley to authorize use of the subsidy money designated for the Dahl to repair the **heating and cooling system at the Dahl Annex**. Finance Officer Preston explained that there are two contracts with the Arts Council. One of the Dahl Center and one for the annex (MDU Building). The funds being requested for repair of the heating system are funds the city is holding to be sure that the Dahl Building is maintained. The reason there is money remaining in this fund is that additional money was

put into the fund to take care of any leaks that might develop in the roof which has been a problem in the past. If the money isn't used for the roof, it would typically go back into the reserve fund and used for the 2004 budget. Preston stated that since the money was not used for the roof, he feels the Dahl should compete with other city needs which were put on the cut and moratorium lists for 2004 funding (street repairs, patrol cars, etc.). Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez and seconded by Hadley to confirm the Mayor's appointment of Scott Nash as the Ward 1 Representative to the **Planning Commission**. Hanks noted that the City has an ordinance which requires membership on the Planning Commission to be at least one representative from each Ward. If Mr. Nash is appointed, there would be no representative from Ward 2 and it would be in violation of the City's ordinance. Mayor Shaw indicated that there is an individual from Ward 2 interested in serving on the Planning Commission and that recommendation will be coming forward at the next meeting. Substitute motion was made by Hanks, seconded by Waugh and carried to continue this item until November 17, 2003.

Motion was made by French and seconded by Murphy to approve No. LF091003-05 – **Infrastructure Development Partnership Loan** – Doyle Estes and Kathryn Johnson for Homestead Street/Timmons Boulevard/Bernice Street with the condition that the agreement include some park area and green space. Substitute motion was made by Partridge and seconded by Rodriguez to approve the IDPF Loan to Doyle Estes and Kathryn Johnson for Homestead Street/Timmons Boulevard/Bernice Street, with no conditions. Estes stated that he and his wife have agreed to set aside land in this development for a fire station and a library annex; he does not feel he should be required to also give land for a park. However, if the City would like to use the land identified for a fire station for a park, that would be fine with him. Upon vote being taken, the substitute motion carried unanimously.

Motion was made by Kooiker, seconded by French and carried to send the issue of **green space requirements** and park land to the Planning Commission for discussion.

Public Hearing

The next item before the City Council was a public hearing on the proposed uses for the FY2003 **Local Law Enforcement Block Grant** received by the Police Department in the amount of \$90,339. No public comments were received. Capt. Ed Hofkamp from the Police Department explained that this is a shared project between the Police Department and the Sheriff's Office. The City will use this funding to upgrade the emergency communication mapping system, purchase digital recorders for investigators and officers, and initiate a new computer mapping system for patrol cars. Hofkamp added that no formal action is required by the City Council since the application and award were approved in August. Bill Armstrong from the Pennington County Sheriff's Office explained that the County would also like to use this forum for their public hearing. They are looking at spending the County grant funds on traffic monitoring and speed enforcement equipment, training equipment to be used jointly with the City, night vision equipment for the special response team and fatal vision goggles which will be used for public education relative to intoxication. Motion was made by Hanks, seconded by Partridge and carried to close the public comment period on this item. Motion was made by Hanks, seconded by Rodriguez and carried to acknowledge the report given by the Law Enforcement Agencies on this item.

Planning Department – Hearings

The Mayor presented No. 03CA023, a request by Renner and Sperlich Engineering Company for 16 Plus LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 12.3 acre parcel of land from General Agriculture to General Commercial**: A portion of Tract 2 of Pioneer Subdivision, located in

the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning and less the east 400 feet Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road. Motion was made by Kooiker, seconded by Rodriguez and carried to deny this item without prejudice.

The Mayor presented No. 03CA026, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 3.67 acre parcel of land from Planned Unit Development to Medium Density Residential with a Planned Residential Development**: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the TRUE POINT OF BEGINNING; thence N89°18'29"W 500.00 feet; thence N00°41'31"E 250.00 feet; thence N89°18'29"W 151.22 feet; thence N00°41'31"E 356.77 feet; thence S46°19'54"E 890.09 feet to the Point of Beginning; said parcel containing 3.67 acre more or less, located south of Catron Boulevard and east of U.S. Highway 16. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 3.67 acre parcel of land from Planned Unit Development to Medium Density Residential with a Planned Residential Development, on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. More particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the TRUE POINT OF BEGINNING; thence N89°18'29"W 500.00 feet; thence N00°41'31"E 250.00 feet; thence N89°18'29"W 151.22 feet; thence N00°41'31"E 356.77 feet; thence S46°19'54"E 890.09 feet to the Point of Beginning; said parcel containing 3.67 acre more or less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA030, a request by Walgar Development for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 0.21 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation**: Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of Alta Vista Drive and Anamaria Drive. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.21 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation, on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA031, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 4.92 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to General Commercial with a Planned**

Commercial Development: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence N63°46'28"W along a non-visual line, 1115.91 feet to the TRUE POINT OF BEGINNING; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 194.84 feet, a chord bearing of S09°21'48"E and a chord length of 195.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 201.58 feet; thence N06°15'29"W 862.02 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.92 acres more less, located south of Catron Boulevard and east of U.S. Highway 16. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 4.92 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to General Commercial with a Planned Commercial Development, on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence N63°46'28"W along a non-visual line, 1115.91 feet to the TRUE POINT OF BEGINNING; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 194.84 feet, a chord bearing of S09°21'48"E and a chord length of 195.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 201.58 feet; thence N06°15'29"W 862.02 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.92 acres more less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA032, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 1.90 acre parcel of land from Planned Residential Development with a**

maximum density of one dwelling unit per acre to Medium Density Residential with a Planned Residential Development: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence N89°18'29"W 500.00 feet to the TRUE POINT OF BEGINNING; thence N89°18'29"W 197.03 feet; thence N01°18'09"E 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of S09°21'48"E a chord length of 194.71 feet; thence N20°01'46"W 210.75 feet; thence along a curve to the right having a radius of 893.51 feet through a central angle of 01°56'23" with an arc length of 170.60 feet a chord length of 170.34 feet; thence S00°41'31"E 356.77 feet; thence S89°18'29"E 151.22 feet; thence S00°41'31"W 250.00 feet to the Point of Beginning; said parcel containing 1.90 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 1.90 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to Medium Density Residential with a Planned Residential Development, on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence N89°18'29"W 500.00 feet to the TRUE POINT OF BEGINNING; thence N89°18'29"W 197.03 feet; thence N01°18'09"E 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of S09°21'48"E a chord length of 194.71 feet; thence N20°01'46"W 210.75 feet; thence along a curve to the right having a radius of 893.51 feet through a central angle of 01°56'23" with an arc length of 170.60 feet a chord length of 170.34 feet; thence S00°41'31"E 356.77 feet; thence S89°18'29"E 151.22 feet; thence S00°41'31"W 250.00 feet to the Point of Beginning; said parcel containing 1.90 acres more or less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA033, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 20.82 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to Planned Residential Development**

with 2.5 dwelling units per acre: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the TRUE POINT OF BEGINNING; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning; said parcel containing 20.82 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 20.82 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to Planned Residential Development with 2.5 dwelling units per acre, on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the TRUE POINT OF BEGINNING; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning; said parcel containing 20.82 acres more or less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA034, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 5.33 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to Office Commercial with a Planned Commercial Development:** A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/4 corner of Section 26; Thence S42°17'28"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N31°04'35"E 503.44 feet; thence N01°18'09"E 400.00 feet; thence N06°15'29"W 87.98 feet; thence S88°41'51"E 201.58 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet to the TRUE POINT OF BEGINNING; said parcel containing 5.33 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 5.33 acre parcel of land from Planned Residential Development with a maximum density of one dwelling unit per acre to Office Commercial with a Planned Commercial Development, on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/4 corner of Section 26; Thence S42°17'28"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N31°04'35"E 503.44 feet; thence N01°18'09"E 400.00 feet; thence N06°15'29"W 87.98 feet; thence S88°41'51"E 201.58 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet to the TRUE POINT OF BEGINNING; said parcel containing 5.33 acres more or less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA035, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on the following 4.04 acre parcel of land General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development:** A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/4 corner of Section 26; thence S42°17'28"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N01°18'09"E 924.20 feet; thence S88°41'51"E 238.42 feet; thence S06°15'29"W 87.98 feet; thence S01°18'09"W 400.00 feet; thence S31°04'35"W 503.44 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.04 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. The following resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3rd day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 4.04 acre parcel of land from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development,

on a previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described as follows: Beginning at the found corner stamped R.L.S. 4208 of the center 1/4 corner of Section 26; thence S42°17'28"W along a non-visual line, 1733.45 feet to the TRUE POINT OF BEGINNING; thence N01°18'09"E 924.20 feet; thence S88°41'51"E 238.42 feet; thence S06°15'29"W 87.98 feet; thence S01°18'09"W 400.00 feet; thence S31°04'35"W 503.44 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.04 acres more or less and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 3rd November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Coca Cola Lane on Plaza Drive. (O3SV032).

The Mayor presented No. 03SV032, a request by Dream Design International, Inc. for Coca-Cola Bottling Company of the Black Hills for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along Plaza Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B of Tract 12 of S.G. Interstate Plaza Subdivision located in the S1/2 of the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Coca Cola Lane on Plaza Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

The Mayor presented No. 03SV033, a request by Dream Design International, Inc. for Hank Craig for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, paving, sidewalk, street light conduit, sewer and water as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County,

South Dakota, located along the 4200 Block of Parkview Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2517 Plateau Lane (03SV037).

The Mayor presented No. 03SV037, a request by Gary and Connie Janzen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks and street light conduit on Plateau Lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 6 and 7 and the 30 foot x 150 foot private drive, all of Lot 10, Gilmore Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2517 Plateau Lane. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements.

The Mayor presented No. 03SV038, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk street light conduit, water, sewer and pavement along Elm Street as per Chapter 16.16 of the Rapid City Municipal Code** on the NE1/4 NW1/4 GL 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 660 feet to the east of the Parkview Drive terminus. Larry Kostaneski explained that this item was continued at a previous meeting in part to allow the affected parties an opportunity to meet and discuss several issues. Kostaneski renewed the request of Lazy P-6 Properties, LLC to approve the Variance with the understanding that a WORP Agreement will be signed by Lazy P-6 for the 700' of Elm Street adjacent to the development. He noted that posting surety for this road improvement is economically inefficient because there is no telling how long it will be before the adjoining property owner is ready to construct their portion of the street. Kostaneski stated that he agrees that it is unusual, but if Lazy P-6 agrees to a WORP, the adjoining property owner's interests are protected. Kostaneski explained that his client is asking the city to recognize the unusual circumstance at this location at this time and agree to accept the WORP rather than requiring that surety be posted for this improvement. Kooiker asked if this agreement would remain in effect if the property were sold. Kostaneski stated that it is his understanding that the WORP Agreement would remain attached to the land until it is released by the appropriate parties. All future owners of this property would be bound by the Waiver of Right to Protest. Growth Management Director Elkins concurred that the WORP would be attached to the land. Kooiker asked why the Planning Commission did not want to accept the WORP for this road improvement. Elkins explained that anytime there are adjacent portions of roadway that are required, city regulations state that they must be built or surety posted for the improvements. The City has used WORPs when there is a discontinuous segment of roadway. The property in question is essentially a large corner lot and the city has been very consistent in requiring that the developer build the road or provide surety for the improvement. The road in question is a continuous portion of the improvement and would be a side street. The council has not taken any action in the past to waive these requirements; they have required the developer to build the road. Elkins noted that there is some risk to the City. If 55% of the property owners object to an assessed project, then the City cannot proceed. Depending on the configuration of an assessment project, it might be that the adjacent property owner would not have the requisite frontage to move forward with an assessment. Motion was made by Hanks and seconded by French to approve the requested Variance with the following stipulations: 1) that a Waiver of Right to Protest be provided for the street improvement; and 2) that the applicant dedicate the appropriate right-of-way. Upon vote being taken, the motion carried with Waugh and Rodriguez voting no.

Ordinances & Resolutions

The next item before the Council was No. 03OA002, second reading of **Ordinance 3934** entitled An Ordinance Regulating Storage and Parking of Trucks, Trailers and Commercial Vehicles by Amending Chapter 10.40 of the Rapid City Municipal Code to Include a New Section 10.40.200. Motion was made by Hanks, seconded by French to continue this item until December 1, 2003. Kriebel stated that this is a neighborhood issue and he requested that the Committee consider a change to set up a review process similar to a use on review. Upon vote being taken, the motion carried unanimously. (Secretary's Note: Item No. LF101503-05 deals with Ordinance No. 3934 and Item No. 03OA002 deals with Ordinance No. 3913.)

The Mayor announced the meeting was open for hearing on No. 03RZ032, second reading of **Ordinance 3978**, a request by Walgar Development for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on Lot 16, Block 28, Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of Alta Vista Drive and Anamaria Drive. Notice of hearing was published in the Rapid City Journal on September 20 and September 27, 2003. Ordinance 3978, having had the first reading on September 15, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3978 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ040, second reading of **Ordinance 3990**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Medium Density Residential District** on the following property: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26, this being the POINT OF BEGINNING; thence N89°18'29"W 697.03 feet; thence N01°18'09"E 142.76 feet; thence along a curve to the left having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of N09°21'48"W and a chord length of 194.71 feet along said curve; thence N20°01'46"W 210.75 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 10°56'23" with an arc length of 170.60 feet, a chord bearing of N64°30'03"E and a chord length of 170.34 feet along said curve; thence S46°19'54"E 890.09 feet to POINT OF BEGINNING; less the SE1/4 SE1/4 SE1/4 NW1/4 and the NW1/4 SE1/4 SE1/4 NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; said parcel containing 3.07 acres more or less. Notice of hearing was published in the Rapid City Journal on October 11 and October 18, 2003. Ordinance 3990, having had the first reading on October 6, 2003, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3990 the second time.

Ordinance 3992 entitled An Ordinance Eliminating the Position of Director of Golf within the Department of Parks and Recreation by Amending Section 2.89.050 and Subsection (B)(2) of Section 2.89.060 of the Rapid City Municipal Code (No. LF101503-04), having passed the first reading on October 20, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3992 was declared duly passed upon its second reading.

Ordinance 3993 entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by Amending Section 3.16.090 of the Rapid City Municipal Code (No. LF100103-18R), was introduced (Secretary's Note: This item was erroneously listed as Second Reading on the Agenda). Motion was made by Hanks and seconded by French to approve first reading of Ordinance 3993. CIP Committee Chairman Jim Preston explained that the ordinance before the Council at this time was drafted because the CIP Committee operating procedures and the Municipal Code are different in several areas, including notification requirements. The CIP Committee reviewed the issue and recommended that the ordinance be revised to include the current operating procedures. Kriebel spoke against the ordinance stating that he feels it is a step backwards relative to public notification. Kriebel also noted objections to the membership and quorum requirements in the ordinance. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to the next Legal & Finance Committee meeting for further consideration. Kooiker suggested that the Committee review the issues described by Alderman Kriebel and he requested that staff amend Paragraph 2 under Section A to state that "In the absence of a member of the council, any other member of the council shall have an opportunity to vote on the committee; and that each year, when the new appointments are made, the other council members not on the CIP Committee shall be given first opportunity to be on the committee. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: Hanks, Murphy and Partridge. Motion to continue carried, 7-3.

The Mayor announced the meeting was open for hearing on No. 03RZ039, second reading of **Ordinance 3994**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on the following property: A previously unplatted parcel of land in the SW1/4 of the N1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence N09°37'30"E 863.62 feet; thence along a curve to the left having a radius of 893.51 feet through a central angle of 13°26'11" with an arc length of 209.54 feet, a chord bearing of N76°41'20"E and a chord length of 209.06 feet along said curve; thence S20°01'46"E 210.75 feet; thence along a curve to the right having a radius of 526.00 feet through a central angle of 21°19'55" with an arc length of 195.84 feet, a chord bearing of S09°21'48"E and a chord length of 194.71 feet along said curve; thence S01°18'09"W 519.62 feet; thence N88°41'51"W 440.00 feet to the TRUE POINT OF BEGINNING; said parcel containing 7.26 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on October 25 and November 1, 2003. Ordinance 3994, having had the first reading on October 20, 2003, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3994 the second time.

The Mayor presented No. 03RZ041, second reading of **Ordinance 3995**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on the following property: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; this being the TRUE POINT OF BEGINNING; thence S02°00'56"W 1325.99 feet; thence N87°48'27"W 680.57 feet; thence N01°18'09"E 1307.89 feet; thence S89°18'29"E 697.03 feet to the Point of Beginning; said parcel containing 20.82 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on October 25 and November 1, 2003. Ordinance 3995, having had the first reading on October 20, 2003, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley,

Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3995 the second time.

The Mayor presented No. 03RZ042, second reading of **Ordinance 3996**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Office Commercial District** a the following property: A previously unplatted parcel of land in the SW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Beginning at the found corner stamped R.L.S. No. 4208 of the center 1/4 corner of Section 26; thence S72°37'41"W along a non-visual line, 1200.17 feet to the TRUE POINT OF BEGINNING; thence S88°41'51"E 440.00 feet; thence S01°18'09"W 931.03 feet; thence N87°48'27"W 440.05 feet; thence N01°18'09"E 924.20 feet to the TRUE POINT OF BEGINNING; said parcel containing 9.37 acres more or less, located south of Catron Boulevard and east of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on October 25 and November 1, 2003. Ordinance 3996, having had the first reading on October 20, 2003, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3996 the second time.

Ordinance 3999 entitled An Ordinance Adopting the 2003 Uniform Plumbing Code with Amendments by Amending Chapter 15.24 of the Rapid City Municipal Code (No. LF102903-08), was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 3999 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 17, 2003.

Ordinance 4000 entitled An Ordinance Clarifying the Prohibition on Discharging Firearms within the City of Rapid City by Amending Section 9.28.050 of the Rapid City Municipal Code (No. LF102903-09), was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4000 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 17, 2003.

Ordinance 4001, a request by Cindy Guthrie and Ken Kirkeby for Lutheran Social Services for a **Rezoning from No Use District to Office Commercial District** on Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1010 Soo San Drive (No. 03RZ045), was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4001 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, November 17, 2003.

Legal & Finance Committee Items

Motion was made by Hanks, seconded by French and carried to approve No. LF102903-15 – Authorize Mayor and Finance Officer to sign **Law Enforcement Joint Powers Agreement** between South Dakota Office of Attorney General, County of Pennington, County of Meade, County of Lawrence, and City of Rapid City.

The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION TO REVISE THE NON-UNION COMPENSATION PLAN

WHEREAS, the salaries for the positions of Mayor and Council Members are listed in the Resolution Establishing Maximum Salaries for Certain City Officers and Employees, and

WHEREAS, the most recent Resolution establishing salaries was approved December 3, 2001;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City that the Resolution Establishing Maximum Salaries be amended effective January 1, 2004, by establishing rates for the following positions:

Mayor – \$84,448 per year
Council Members - \$9,303 per year

BE IT FURTHER RESOLVED THAT the rates for these positions be increased annually on January 1 each year at a rate of three percent.

Dated this 3rd day of November, 2003.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks and seconded by Murphy to approve the following allocations of **2004 Subsidy Funds** for Human Services Organizations as recommended by the Subsidy Committee: (No. LF102903-06): American Red Cross \$2,000; Big Brothers/Sisters \$4,500; Canyon Lake Senior Center \$14,000; CASA \$6,000; City Wide Halloween Party \$750; Cornerstone Rescue Mission \$11,118; Community Health Center \$10,000; Elderly Meals (WSDSS) \$5,500; Habitat for Humanity \$6,000; Minneluzahan Senior Center \$21,500; Rapid City Club for Boys \$4,000; Rural America Initiatives \$2,000; Senior Companions \$1,000; Standing Strong Woman House \$2,000; Working Against Violence \$2,000; Total Recommendations: \$92,368. Christine Smith from WAVI was present to answer questions on their subsidy request. She explained that WAVI has historically received approximately \$5,000 from the City's Subsidy Committee. The \$25,000 allocated through the Police Department budget will be used to meet growing needs. Partridge stated that he feels the allocation through the Police budget was an attempt to identify the monetary benefit to the City from WAVI's operations. He doesn't feel this amount should be supplemented from the Subsidy budget. He encouraged the Council to work with WAVI and come up with the appropriate dollar amount for the benefit that WAVI provides to the community in terms of services. This is the amount that should be included in the Police Department budget for 2004. Substitute motion was made by Partridge and seconded by Kooiker to refer this item back to the Subsidy Committee for re-consideration of the WAVI funding. Rodriguez spoke in favor of approving the subsidy allocation for 2004 and working on this issue for future years. Roll call vote: AYE: Kooiker and Partridge; NO: Hanks, French, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel. Motion to continue failed, 2-8. Upon vote being taken, the original motion to approve the allocations carried with Partridge voting no.

Motion was made by Hanks, seconded by Waugh and carried to approve the following allocations of **2004 Subsidy Funds** for the Arts Organizations, as recommended by the Subsidy Committee: Allied Arts Fund Drive (administration fee) \$920; BH Community Theatre \$4,555; BH Heritage Festival \$700; BH Pow-Wow \$10,760; BH Symphony Orchestra \$13,430; Dakota Choral Union \$3,325; Minnelusa Pioneer Museum \$2,000; Municipal Band

\$14,072; Ranger Band \$9,270; RC Arts Council \$19,735; Storybook Island \$13,600; Total \$92,367.

Motion was made Hanks and seconded by Waugh to approve No. LF102903-14 – Approve **Travel Request** for James J. Walraven to attend Golf Course Superintendent Association of America 75th International Golf Course Conference & Show February 9-14, 2004, in San Diego, California, in the approximate amount of \$1,145. Preston noted that Walraven was not able to attend the Council meeting but he was at the Agenda Review meeting this morning. Walraven anticipates the city will benefit from the conference in that he will receive training in golf course operations, pesticide application and new technology. Also, this conference will provide needed courses to maintain golf course certifications. Shaw added that it is possible that Walraven may receive training that will be valuable in dealing with the West Nile Virus next spring. Substitute motion was made by Kooiker and seconded by Partridge to continue this item to the next City Council meeting so that Mr. Walraven can present more information to justify this travel expense. Roll call vote: AYE: Kooiker, and Partridge; NO: Hanks, French, Murphy, Waugh, Hadley, Kroeger and Kriebel. Substitute motion failed, 2-7. Upon vote being taken, the original motion to approve the travel request carried with Partridge and Kooiker voting no.

Public Works Committee Items

Motion was made by Kooiker and seconded by French to request staff to engage Rapid Valley Sanitary District in a discussion regarding water service in the **Copperfield Subdivision**; request staff to research the Rapid Valley Sanitary District contract; and reconvene, and if necessary reappoint, the Utility Services Outside Rapid City Task Force (No. PW102803-02). Kriebel stated that he doesn't feel the City Council can effect another entity's rates any more than they could effect ours. Any staff time spent on this issue would be wasted. Murphy concurred noting that Rapid Valley Sanitary District has complete control over the rates they charge their customers. Kooiker encouraged the Council to support the motion even through it may be an uphill battle. There are citizens of the city living in this area that are paying much higher water bills than other citizens of the community. Kooiker added that the Utility Services Task Force could also review policy implications for other areas proposed for annexation. Hanks added that this issue is not unique to Copperfield Subdivision. There are water and sanitary districts that serve several areas of the city. Roll call vote was taken: AYE: Kooiker and Partridge; NO: Hanks, French, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel. Motion failed, 2-8.

Motion was made by Kooiker and seconded by Rodriguez to approve No. PW102803-04 – Change Order No. 01F for **Parkview Softball Complex** Phase 2 Project No. PR02-1216 to Simon Contractors of South Dakota for an increase of \$9,721.49. Substitute motion was made by Hadley, seconded by Rodriguez and carried to refer this item back to the Public Works Committee for review.

Motion was made by Kooiker, seconded by Rodriguez and carried to approve No. PW101403-04 – Authorize Mayor and Finance Officer to sign Black Hills Power, Inc. **Right-Of-Way Permit** – OH/UG Corporation on Lot 1 of Block 65 and vacated alley adjacent to said lot of the Original Town of Rapid City located in the SW ¼ of Section 36, T2N, R7E, BHM, Pennington County, South Dakota.

Motion was made by Rodriguez and seconded by Partridge to approve No. PW102803-06 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with **CETEC Engineering Services**, Inc. to Design Southwest Area Pumping System Improvements Project No. W97-700 for NO COST. Public Works Director Ted Vore explained that this contract is an amendment to change the scope of an existing project. Kriebel called the question; second by Hanks. Kooiker objected to the question being called.

Upon vote being taken, the motion to call the question carried with Kooiker voting no. Upon vote being taken, the motion to approve the amendment carried with Kooiker voting no.

Bills

The following bills having been audited, it was moved by Rodriguez, seconded by Hanks and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 10-18-03, Paid 10-24-03	600,789.92
Payroll Paid Ending 10-31-03, Paid 10-31-03	1,000,209.93
Pioneer Bank, Taxes Paid 10-24-03	141,957.62
Pioneer Bank, Taxes Paid 10-31-03	248,670.50
First Administrators, claims Paid 10-22-03	57,478.81
First Administrators, claims Paid 10-29-03	62,226.96
BH Power & Light, electricity	72,956.18
SD Department of Revenue, sales tax payable	22,624.46
SD Department of Revenue, sales tax payable	8,513.42
US Postmaster, billing postage	2,200.00
Computer Bill List	1,560,872.54
Total	<u>\$3,778,500.34</u>

Payroll Paid Ending 10-18-03, Paid 10-24-03	2,618.20
Pioneer Bank, Taxes Paid 10-24-03	191.53
City of Rapid City, postage	18.50
City of Rapid City, postage	6.84
Dakota Business Center, copier maintenance	8.46
Marlin Leasing, copier lease	19.78
Philfleet, gasoline	140.75
Total	<u>\$3,781,504.40</u>

Treasurers Checks

West River Electric, promissory note for VIC	40,000.00
Total	<u>\$3,821,504.40</u>

City Attorney's Report

Motion was made by Rodriguez, seconded by Kroeger and carried to go into Executive Session to discuss pending litigation. The Council came out of Executive Session at 11:00 P.M.

Motion was made by Rodriguez, seconded by Partridge and carried to authorize the Mayor, Finance Officer and City Attorney to sign the Stipulation for Dismissal in the City of Rapid City vs. Connie Drew, in exchange for the sum of \$5,000.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:05 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)