

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
March 15, 2004

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, March 15, 2004 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, Growth Management Director Marcia Elkins, City Attorney Jason Green, Police Chief Craig Tieszen, Police Lt. Steve Allender, 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 March 2, 2004.

Approval of the Agenda

The following additions/changes were made to the agenda:

- Move No. 115 to Council member items
- Move No. 112 to Council member items
- Move No. 82 to Council member items
- Moment of Remembrance – Bud Thorstenson
- Executive Session – Pending litigation
- Annual 2012 meeting
- Move No. 56 to Items from the Mayor
- Move No. 93 to be heard after No. 80

Motion was made by Hanks, seconded by Rodriguez and carried to approve the agenda, with the changes noted.

Awards and Recognitions

Mayor Shaw presented the **Veteran of the Month** Award to Kenneth Wesche and commended him for outstanding service to the community and country.

Mayor Shaw also presented the **Citizen of the Month** Award to Wilbert Steinwandt and commended him for outstanding volunteer service to the community.

Shaw presented **Certificates of Recognition** to David Walton from the Police Department and Charles Drust from the Street Department and commended them for 25 years of service to the city.

General Public Comment

Tom Hennies urged the Council to place **restrictions on signs** (including political signs) allowed by ordinance within the city limits. Limiting the size of the sign and the length of time it can be displayed would be good for the community. Mike Kettering also spoke relative to

the sign ordinance. He encouraged the City Council to consider enforcement of any ordinance that is approved by the Council.

Bid Openings

The following vendors submitted bids for No. CC031501-01 - One (1) EMC Mass-Decon-101 Shower System which were opened on March 2, 2004: 1) Haz-Matters Safety. Staff has reviewed the bid and recommends award. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for One EMC Mass-Decon-101 Shower System to Haz-Matters Supply, the only bidder, for a total contract amount of \$33,706.

The following vendors submitted bids for No. CC031504-01 - Two New Current Model Year Compact **Skid Steer Loaders** for the Solid Waste Operations Division, which were opened on March 4, 2004: 1) Butler Machinery; 2) RDO Equipment; 3) Bierschbach Equipment; 4) Piorier Equipment and 5) Jenner Equipment. Staff has reviewed the bids and recommends award to Jenner Equipment. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for Two Compact Skid Steer Loaders to Jenner Equipment, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$34,458.

The following vendors submitted bids for No. CC031504-01 - **Hydraulic Drive Motors** for Dano Composting Drums for Solid Waste Operations Division, which were opened on March 4, 2004: 1) Berendsen Fluid Power; and 2) Sunsource Hydraulic Service & Repair. Staff has reviewed the bids and recommends award to Berendsen. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for Hydraulic Drive Motors to Berendsen Fluid Power, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$69,286.56.

Finance Officer Preston reported that no bids were received for No. CC031504-01 - **Surplus Golf Equipment**. Motion was made by Hanks, seconded by Waugh and carried to request that staff contact potential buyers for this equipment and bring that information back to the City Council.

The following vendors submitted bids for No. CC031504-01 - **Landfill Scale Deck Replacement** Project No. LF04-1379, which were opened on March 11, 2004: 1) West River Scale, and 2) Bluff's Scale Service. Staff has reviewed the bids and recommends award to West River Scale. Motion was made by Hanks, seconded by Murphy and carried to award the bid for LF04-1379 to West River Scale, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$43,956.

Mayor's Items

Mayor introduced Jerry Cole the City's new **Parks & Recreation Director**. Motion was made by Kooiker, seconded by Hanks and carried to confirm the appointment of Jerry Cole as the Parks & Recreation Director. Mayor Shaw also issued the Oath of Office to Mr. Cole and welcomed him to Rapid City.

Items from Council Members/Liaison Reports

The next item before the Council was a request by Alderman Kooiker for an update on the 2005 Budget process and request to consider any property tax increases separately from the budget. Motion was made by Partridge, seconded by Rodriguez and carried to take this item to the next Legal & Finance Committee meeting to discuss the actual property tax increases and how it might affect us if we consider that separately from the budget.

The next item before the Council was a report from the Police Department on **Enforcement of AOB regulations**. Police Chief Craig Tieszen and Lt. Steve Allender reported on enforcement of AOB regulations. Allender briefed the Council on the activities of the Police Department to enforce these regulations, which have been in force for slightly more than one year. Since June of 2003, the Police Department has participated in approximately forty inspections of these businesses. Allender also briefed the Council on the citations that have been issued as a result of the inspections. French asked Allender for his opinion on enforceability of the AOB Ordinance. Allender stated that the current ordinance gives the Police Department plenty of room for enforcement. French questioned that only one citation has been issued since June in the establishments that have viewing rooms. Allender explained that they have people who check these facilities, but they only go in for a few minutes at a time. Statistically, the city's people have just not been there at the right time. Brian Barber, representing Citizens for a Safe Community, expressed concern that the City's current AOB ordinance is incapable of being enforced, especially as it relates to distancing, clothing, doors on booths, etc. Barber stated that Citizens for a Safe Community would like to see the ordinance strengthened so that it is easier to enforce. Mayor Shaw noted that the AOB Committee is a standing committee. Because of time commitments for Council members, Jean French will be the new Chairperson of the AOB Committee. No action was taken on this issue.

The next item discussed by the Council was **On-Street Parking on Fifth Street**. Jerry Freed urged the council to reinstate the parking on the east side of Fifth Street, south of Main Street. He explained that traffic on 5th Street going north and south is very light and there is no need for two lanes of thru-traffic at this time. Malinda Mansfield concurred noting that many customers of Lincare have health issues and they are not able to walk long distances. She added that currently there is no parking near Lincare. Ka Alberts added that businesses owners in this area are fearful that once this parking is removed, it will not be reinstated. The Council reiterated that it is their intention to reinstate the parking once the Omaha Street construction project is done. Dan Staton, regional traffic engineer from the State Department of Transportation explained that the issue is not just what traffic is doing today, but in fact what traffic will be on this street and surrounding streets during the remainder of this construction project. Staton added that Omaha Street will be closed approximately April 1st. It is anticipated that on July 1st, 5th Street will re-open for north/south traffic, but there will be no access onto Omaha Street until later in July. Staton encouraged the Council to keep this lane open for traffic until the project is done. Motion was made by Rodriguez and seconded by French to reinstate the parking on 5th Street, north of Main Street. Roll call vote was taken: AYE: French, Rodriguez and Hadley; NO: Hanks, Kooiker, Murphy, Waugh, Kroeger, Kriebel and Partridge. Motion failed, 3-7.

The Mayor presented No. 04PD001 - Appeal of Planning Commission's decision on a request by Lorraine Hellevang for a **Major Amendment to a Planned Residential Development to reduce the rear yard setback from 25 feet to 13 feet** on Lot 1 of Block 3, Fairway Hills PRD, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4023 Pinehurst Court. Motion was made by Rodriguez and seconded by Hanks to reverse the Planning Commission's decision on this request which was to approve the major amendment. Brad Menor, representing Clark & Sons Custom Builders, spoke on behalf of Ms. Hellevang. He indicated that this is about one concerned neighbor that feels the proposed sunroom will devalue her property. He noted that he has a letter from the Director of Equalization's Office indicating that they do not feel this project will negatively impact the value of these properties. Co Stevens, representing the Fairway Hills Townhouse Association, explained that a packet of information was presented at the last meeting which included a statement from the Board of Directors. Several property owners in the Association have expressed concerns about the negative impact this proposal would have on their property. To clarify, Mayor Shaw explained that this motion would deny the applicant's request for an amendment to the PRD. Upon vote being taken, the motion carried with Murphy voting no.

Rodriguez asked for a moment of silence in memory of Bud Thorstenson who recently passed away. Thorstenson was a active member of the community.

Motion was made by Kroeger, seconded by Hanks and carried to set the annual **2012 Meeting** for Monday, March 22, 2004 at 7:00 P.M. Kooiker requested that the new standards for 2012 projects also be discussed. Kroeger agreed that this should be added to the agenda.

Continued Items Consent Calendar – Items 9-28

The following item was removed from the Continued Items Consent Calendar:

19. No. 03PL097 - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Final Plat** on 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.

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

Continue the following items until April 5, 2004:

9. 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.
10. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. No. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **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. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.
20. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **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.

21. No. 03PL104 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.
22. No. 03PL117 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1 and 2, Block 12; Lots 1 thru 7, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; Outlots G-1, G-2, G-3 and X and dedicated streets, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Bethpage Drive.
23. 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.

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** in 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. 03SV050 - A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 Revised of Block 7 of Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; and, Lots 5 and 6, Block 8; all located in Morningside Addition, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of West Boulevard North along Oriole Drive and Thrush Drive.
26. No. 04PL003 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Layout and Preliminary Plat** on Lots 1, 2 and 3 of Block 22, Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Williams Street.
27. No. 04SV001 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Homestead Street.

Continue the following items until April 19, 2004:

28. No. 04SV004 - A request by Sperlich Consulting, Inc. for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway 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 between to Sections 27 and 34, common to the 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 US 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 US 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 Sections 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 to 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 to 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 to 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 12.000 acres more or less; and, a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: 00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.

End of Continued Items Consent Calendar

The Mayor presented No. 03PL097, a request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Final Plat** located west of Haines Avenue and north and south of Amber Drive.

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

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 12-21 Block 1, Lots 12-41 Block 2, Lots 1-17, Block 3, and Lots 1-5 Block 4, of Auburn Hills Subdivision (formerly a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the NW1/4) located in the NW1/4 of the SW1/4, and in the SW1/4 of the NW1/4, Section 13, 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 12-21 Block 1, Lots 12-41 Block 2, Lots 1-17, Block 3, and Lots 1-5 Block 4, of Auburn Hills Subdivision (formerly a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the NW1/4) located in the NW1/4 of the SW1/4, and in the SW1/4 of the NW1/4, Section 13, 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 15th day of March, 2004.

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.

Alcoholic Beverage License Applications***Hearings***

This was the time set for hearing on the application of Mary Jane Freimark dba **The Embers**, 5412 South Highway 16, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Mary Jane Freimark dba **The Embers**, 5412 South Highway 16, for an On-Sale Wine License (New License – No Video Lottery). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of the Rapid City Fine Arts Council, Inc. dba **Dahl Art Center**, 713 7th Street, for a Special Malt Beverage and Wine License to be used on March 19, 2004. Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, April 5, 2004:

32. City of Rapid City dba **Rapid City Public Library**, 610 Quincy Street, for a Special Malt Beverage and Wine License to be used on April 17, 2004
33. Rapid City Fine Arts Council, Inc. dba **Dahl Art Center**, 713 7th Street, for a Special Malt Beverage and Wine License to be used on April 21 & 22, 2004.
34. Rapid City Fine Arts Council, Inc. dba **Dahl Art Center**, 713 7th Street, for a Special Malt Beverage and Wine License to be used on April 23, 2004.
35. Rapid City Area **Chamber of Commerce** for a Special Malt Beverage & Wine License to be used at the Rushmore Mall, 2200 N. Maple Street, on May 11, 2004
36. Thrifty Smoke Shop, Inc. dba **Thrifty Smoke Shop**, 718 East St. Patrick Street, for an Off-Sale Liquor License (New License – No Video Lottery)
37. Thrifty Smoke Shop, Inc. dba **Thrifty Smoke Shop**, 3030 West Main Street, for an Off-Sale Liquor License (New License – No Video Lottery)

Consent Calendar Items

The following items were removed from the Consent Calendar:

38. Affirm the ordinance and the notification process on signs in the right-of-way, and storing the signs at the landfill.
56. Confirm appointment of Jerry Cole as Parks/Recreation Director.

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

Public Works Committee Consent Items

39. No. PW030904-02 – Approve Change Order No. 01 and final for Rapid City Fire Department Fire Station #3 Project No. FD03-1266 to Gustafson Builders for an increase of \$4,629.07.
40. No. PW030904-03 – Authorize staff to advertise for bids for Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061.
41. No. PW030904-04 – Authorize staff to advertise for bids for East Anamosa Water Main Extension Project No. W04-1370.
42. No. PW030904-05 – Authorize staff to advertise for bids for Card Key Security and Identification System for Water Treatment Plant Project No. WTP04-1384.
43. No. PW030904-06 – Authorize staff to advertise for bids for Well No. 11 Pump Replacement Project No. W04-1387.
44. No. PW030904-07 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with McLaughlin Water Engineers, Ltd. to provide on-site facility start-up services of Water Reclamation Facility and Cocompost Facility Construction Phase Services Project No. WRF02-1174 for an amount not to exceed \$13,169.00.
45. No. PW030904-08 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with HKM Engineering to design Low Level Water Reservoir Interconnection Project No. W04-1374 for an amount not to exceed \$9,975.00.
46. No. PW030904-09 – Authorize Mayor and Finance Officer to sign a Professional Service Agreement with RESPEC to conduct indoor air quality evaluation for an amount not to exceed \$7,998.00.
47. No. PW030904-10 – Acknowledge the Public Works Consultant Pre-Selection Committee report.
48. No. PW030904-11 – Approve Out-of-the-Dust funds in the amount of \$4,000 to pave a portion of an alley in Block 14, Schnasse Addition located between East North Street and East Denver Street from Milwaukee to Herman Street.

49. No. PW030904-12 – Authorize staff to proceed with Request for Proposals for Centre Street Sanitary Sewer Extension Project No. SS00-940.
50. Approve a resolution amending the Solid Waste Operations Division policy establishing 90 days to be the time period that water bills are valid to access the landfill for free.
51. No. 04VE005 – Approve a Vacation of Utility and Minor Drainage Easement for Dream Design International, Inc. located along Sheridan Lake Road.

RESOLUTION OF VACATION OF
UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a utility and minor drainage easement on Lots 1 and 2 of Autumn Hill Plaza Subdivision, located in the NW1/4 SW1/4 NW1/4 of Section 22, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Sheridan Lake Road, is not needed for public purposes; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that 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 15th day of March, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

52. No. 04FV001 – Approve a Fence Height Exception for petitioner Michael D. Letcher to allow a six foot fence in a Low Density Residential District on Lot 1 of Block 2 of Robbinsdale #7 Subdivision, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 221 E. Fairmont Boulevard.

Legal & Finance Committee Consent Items

53. No. LF031004-14 – Approve Historic Preservation Commission Certified Local Government Grant Application for 2004-2005.
54. No. LF031004-15 - Authorize Mayor and Finance Officer to sign Reallocation of Project Funding for Historic Preservation Commission Grant.
55. Authorize Our Redeemer Lutheran Church to apply for a Conditional Use Permit to allow a church on property currently owned by the City of Rapid City located at 910 Wood Avenue.
57. Authorize staff to advertise for bids for police vehicles.
58. No. LF031004-01 – Approve Travel Request for TJ Nicolai and Mike Thompson to attend 2004 Instructor Update/Navigator Conference in Las Vegas, NV, from May 2-7, 2004, in the approximate amount of \$1,677.
59. Authorize staff to apply for 2004 assistance to Firefighters Grant in the amount of \$550,000 (city's share \$165,000) for medium duty ladder truck.
60. No. LF031004-02 – Authorize expenditure up to \$18,000 for fireworks display as per the 3-Year Contract with Premier Pyrotechnics, Inc.
61. No. LF031004-02 – Authorize payment of \$14,000 at this time for the fireworks (excluding shooting fees and overhead costs).

62. No. LF031004-13 – Authorize Mayor and Finance Officer to sign Agreement between Virginia Wood Nelson and the City of Rapid City for training services.
63. Acknowledge that the Finance Department received no bids on the surplus golf equipment and request that staff to seek other alternatives for the surplus property.
64. No. LF031004-04 – 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 15th day of March, 2004. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, April 19, 2004 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 a 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 15th day of March, 2004.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

65. No. CC031504-08 - Authorize the Mayor and Finance Officer to sign audit engagement letter to contract with Ketel Thorstenson, LLP to perform the 2003 financial audit of the City at a cost of \$35,000 and acknowledge that the stipulation set forth by the Council has been satisfied by receipt of the letter from the State of South Dakota Department of Legislative Audit.
66. No. LF031004-16 – Authorize Mayor and Finance Officer to sign Temporary Utility Easement with Golden West Companies.
67. No. LF031004-06 – Approve renewal of 2004 Concession Agreement for Ken L. Gray, dba Goofy Moose Ice Cream.
68. No. LF031004-07 – Acknowledge City Attorney Jason Green's report on signs in the right of way.
69. No. LF031004-11 – Authorize staff to proceed with Request for Proposals for Professional Services for Rushmore Plaza Civic Center – Don Barnett Arena Improvements.
70. No. LF031004-12 – Approve the following abatement: Wireless Control, 2003, \$5,181.50.

71. Approve the following licenses: Residential Contractor: Harvey Homes, Inc., Edwin Harvey; Refuse Collection: MK Services, Mark Kostaneski; Taxi Business: Monroe Flat Rate Taxi, Robby Eugene Monroe.

Planning Department Consent Items

72. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS, AND CONTINUE THE FINAL PLAT UNTIL APRIL 5, 2004: 1) Prior to City Council approval of the Preliminary Plat, revisions to the water plans shall be submitted for review and approval. In particular, the water plans shall be revised to show the extension of the water main along Longview Road to the east lot line of Phase One; 2) Prior to City Council approval of the Preliminary Plat, a grading plan and details for temporary sedimentation ponds shall be submitted for review and approval. Any development beyond Phase One shall require construction of the detention facilities; 3) Prior to City Council approval of the Preliminary Plat, a private utility plan shall be submitted for review and approval; 4) Prior to City Council approval of the Preliminary Plat, 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; 5) Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; 6) Prior to City Council approval of the Final Plat, the applicant shall provide legal documentation identifying street maintenance for all street(s) located within the proposed development; 7) Prior to City Council approval of the Final Plat, the plat title must be revised to read "Formerly a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota"; and, 8) Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
73. No. 04PL005 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Layout and Preliminary Plat** on Lot B of Block 16, Trailwood Village, located in the SE1/4 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as formerly a portion of Tract T of Trailwood Village located in the SE1/4 of SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of E. Highway 44 and Covington Street. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS, AND CONTINUE THE PRELIMINARY PLAT UNTIL APRIL 5, 2004: 1) Prior to Preliminary Plat approval by the City Council, construction plans providing curb, gutter, sidewalk and water along S. D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide additional drainage easements as needed; 3) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 4) A Special Exception is hereby granted to allow an approach on Covington Street in lieu of the lesser order street as per the Street Design Criteria Manual. In addition, the approach shall align with Avery Drive; 5) Prior to Final Plat approval by the City Council, the plat title shall be revised to read "R8E" in lieu of "R7E"; and, 6) 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.)

74. No. 04PL006 - A request by Dan Haggerty for Haggerty's Inc. for a **Layout Plat** on Lot 1 of Hillsvie Subdivision #2 located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillsvie Drive. (APPROVE THE LAYOUT PLAT, WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, road construction plans providing for a sidewalk along both sides of Red Dale Drive and West Patrick Street shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2) Upon submittal of a Preliminary Plat, a note shall be placed on the plat document providing a minimum six foot exterior maintenance easement on either side of all common lot lines; 3) Upon submittal of a Preliminary Plat, the plat document shall be revised to show the adjacent rights-of-way widths; 4) Upon submittal of a Preliminary Plat, a site plan shall be submitted showing existing approaches located along Red Dale Drive and West St. Patrick Street. In addition, the plat document shall be revised to show non-access easements along Red Dale Drive and West St. Patrick Street and to show shared approaches where necessary as per the Street Design Criteria Manual; 5) Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval; 6) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall comply with the Red Dale Drainage Basin Design Plan. In addition, the plat document shall be revised to show drainage easements as necessary; 7) Upon submittal of a Preliminary Plat, a Master Utility Plan shall be submitted for review and approval. In particular, the Master Utility Plan shall identify the extension of water and sewer as well as private utilities (i.e., electricity, gas, telephone); 8) Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 9) Prior to Preliminary Plat approval by the City Council, the water and sewer lines located across the subject property shall be relocated and the utility easements shall be vacated or the plat document shall be revised eliminating the proposed town home lots in this area or increasing the size of the lot(s) to provide building envelopes that do not interfere with the utilities; and 10) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
75. No. 04PL007 - A request by Davis Engineering, Inc. for Stath Mantzeoros for a **Preliminary Plat** on Lot A of Lot 2 and Lot B of Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located located at the southeast end of the Rapid City Regional Airport runway. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, construction plans for Lonetree Road shall be submitted for review and approval. In particular, the construction plans shall identify a minimum 24 foot wide paved surface with curb, gutter, street light conduit, water sewer or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, construction plans for the section line highway shall be submitted for review and approval. In particular, the construction plans shall show the section line highway as a minor arterial street with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along the section line highway; 3) Prior to Preliminary Plat approval by the City Council, construction plans for an east-west collector street through the southern half of Lot B of Lot 2 as per the City Major Street Plan shall be submitted for review and approval. In particular, the construction plans shall show the collector street located in a

minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system; 5) Prior to Preliminary Plat approval by the City Council, the water source shall be identified. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 6) Prior to Preliminary Plat approval by the City Council, a complete site plan shall be submitted for review and approval. In particular, the site plan shall show the location of the existing water source and identify the setbacks from the proposed common lot line and the additional dedicated right-of-way to the existing structures; 7) Prior to Preliminary Plat approval by the City Council, topographic information along the drainage area located in the western portion of the subject property shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 8) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 9) A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual; 10) Upon submittal of the Final Plat, the plat document shall be revised eliminating the note "Building Restrictions: Per Zoning Requirements". In addition, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and, 11) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

76. No. 04PL008 - A request by D.C. Scott Co. Land Surveyors for Prairiefire Investments, LLC for a **Preliminary Plat** on Lot 6 of Block 2 of Winton Subdivision, and dedicated Miscanthus Street right-of-way; located in the SE1/4 NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located along the west side of Anderson Road and south of Southside Drive. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, road construction plans for Anderson Road shall be submitted for review and approval. In particular, the construction plans shall show Anderson Road located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, road construction plans for Miscanthus Street shall be submitted for review and approval. In particular, the road construction plans shall show Miscanthus Street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3) Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system 4) Prior to Preliminary Plat approval by the City Council, the water source shall be identified. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 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) Prior to submittal of the Final Plat, a different street name for Miscanthus Street shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved street name; 7) Prior to submittal of the Final Plat, an approach permit must be obtained from the Pennington County Highway Department for the proposed driveway off Miscanthus Street; 8) Upon submittal of the Final Plat, the plat document shall be revised eliminating the "Certificate of Planning Director"; 9) Upon submittal of the Final Plat, a note shall be placed on the plat document stating that "An alternate drainfield area shall be identified upon submittal of a building permit"; and, 10) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

Raffle

- 77. No. CC031504-02 – Notification of Raffle submitted by Court Appointed Special Advocate Program (CASA) said raffle to be held on May 1, 2004.
- 78. No. CC031504-03 – Notification of Raffle submitted by Easter Seals of South Dakota, said raffle to be held in August, 2004.

END OF CONSENT CALENDAR

Motion was made by Kooiker and seconded by Waugh to affirm the ordinance and the notification process on **signs in the right-of-way**, and storing the signs at the landfill, with the understanding that there will be no fee charged to recover the signs. Upon vote being taken, the motion carried with French voting no.

Mayor Shaw noted that the Council confirmed the appointment of Jerry Cole as Parks/ Recreation Director earlier in the meeting.

Planning Department Items

The Mayor presented No. 03CA040, a request by Centerline for Ken Kirkeby and Larry Lewis for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates. 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 March 15, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II, on Parcel A of Tract SB of Springbrook Acres, Section 15, 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 15th day of March, 2003.

ATTEST:

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

The motion for adoption of the foregoing Resolution was seconded by Hanks. 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. 04CA001, a request by Bruce Olson for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 0.13 acre parcel from Low Density Residential to Medium Density Residential** on Lots 4 and 5, Block 1, Haley's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1123 North 7th Street. Motion was made by Waugh and seconded by Kroeger to deny this item without prejudice. Mr. Olson stated that he will continue to look for ways to resolve the issues with locating a duplex on this property. Hanks suggested that Mr. Olson approach the Legal & Finance Committee to request that the city sponsor the change in the comprehensive plan for this property. Partridge called the question and there were no objections. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Hadley and Kroeger; NO: French, Kooiker, Kriebel and Partridge. Motion to deny without prejudice carried, 6-4.

The Mayor presented No. 04RZ001, second reading of **Ordinance 4025**, a request by Bruce Olson for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Lots 4 and 5, Block 1, Haley's Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1123 North 7th Street. Motion was made by Kooiker, seconded by Rodriguez and carried to deny this item without prejudice.

The Mayor presented No. 04CA003, a request by Sperlich Consulting, Inc. for 16 Plus, LLP for an **Amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street** on property located northwest of U.S. Highway 16 and Moon Meadows Road. 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 15th day of March, 2004 to consider an amendment to the Comprehensive Plan to change the Major Street Plan by relocating a Collector Street, on a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E,

along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 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 15th day of March, 2004.

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. 04SV003, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations** to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code in the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Bethpage Drive. Motion was made by Kooiker, seconded by Waugh and carried to deny the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code, and approve the Special Exception to waive the requirement to provide a turnaround at the end of Bethpage Drive.

The Mayor presented No. 04SV005, a request by Dan Haggerty for Haggerty's Inc. for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalk on both sides of the street as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Hillsvieview Subdivision #2 located in the SW1/4 SW1/4 Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1829 Hillsvieview Drive. Motion was made by French, seconded by Murphy and carried to approve the requested Variance, with the following stipulation: 1) That a sidewalk continue to be provided along the east side of Red Dale Drive and the north side of West St. Patrick Street.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota (04SV006).

The Mayor presented No. 04SV006, a request by Davis Engineering, Inc. for Stath Mantzeoros for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A of Lot 2 and Lot B of Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Buffalo Corral Subdivision located in the NE1/4 of the SE1/4, Section 28, T1N, R9E, BHM, Pennington County, South Dakota, located located at the southeast end of the Rapid City Regional Airport runway. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested

Variance, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, 2) Prior to Preliminary Plat approval, the plat document shall be revised to show the dedication of an additional 17 feet of right-of-way along the section line highway and the dedication of a 76 foot wide right-of-way for the east-west collector street.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements in the SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South (04SV007).

The Mayor presented No. 04SV007, a request by D.C. Scott Co. Land Surveyors for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit, water, sewer, pavement and to allow platting half a right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6 of Block 2 of Winton Subdivision, and dedicated Miscanthus Street right-of-way; located in the SE1/4 NE1/4 of Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; the east 54.4 feet of the SW1/4 NE1/4 in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located along the west side of Anderson Road and south of Southside Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, 2) The street improvements shall be completed as a part of any future platting of the 27.761 acre non-transferable balance.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 03RZ047, second reading of **Ordinance 4004**, a request by Centerline for Ken Kirkeby and Larry Lewis for a **Rezoning from Park Forest District to Low Density Residential II District** on property legally described as Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates. Notice of hearing was published in the Rapid City Journal on December 6 and December 13, 2003. Ordinance 4004, having had the first reading on December 1, 2003, it was moved by Hanks and seconded by Partridge that the title be read the second time. Upon vote being taken, 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 4004 the second time.

Ordinance 4018, Supplemental No. 2 for 2004 (No. LF031004-05), was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4018 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 5, 2004.

Ordinance 4021 (No. LF021104-09R) entitled An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code, was introduced. Motion was made by Hanks and seconded by Murphy to approve first reading. Finance Officer Preston explained that after discussions with the County Auditor, and reviewing the number of voters in the proposed 2-5 area, staff recommends that this area be included in Ward 1 Precinct 4. Also, staff recommends that the recently annexed area north of town be included in the adjacent Ward 4 Precinct 3. Kriebel asked what is so problematic about putting the Hidden Valley area in Ward 5 as opposed to Ward 3. Preston explained that staff initially had three alternatives for this area: 1) create a new precinct, Ward 5 Precinct 6 which would require an additional

election board at a cost of \$300; 2) Put these voters in Ward 5. This alternative would require the voters to go to two different locations on election day. There would also be issues with working with the county on that. Also, two different ballots would have to be prepared as well as additional programming costs. Preston stated that staff's recommendation is to put the voters in the Hidden Valley annexation area into Ward 3. That would keep them in the same commission district and legislative district. Kriebel spoke against the ordinance in its present form. He stated that he would rather these voters go to two locations rather than voting at Whispering Pines Volunteer Fire Department which is in the southwest part of the city. Partridge stated that just looking at the map of the city, it would be make sense to put them in Ward 5, Precinct 3. However, when you take into consideration the legislative district lines and the county commission district lines, putting this area into Ward 5 creates major concerns. The only viable options are to have them go to two different places to vote, or go to Ward 3 Precinct 2. Partridge added that he spoke with the County Auditor on this issue. She did not advocate requiring voters to go to two different location for voting. Partridge also noted that the County Auditor would not want to have a joint election if that were approved. Motion was made by Kooiker and seconded by Kriebel amend the motion on the floor to put the area of Hidden Valley Lane into Ward 5 Precinct 3. Rodriguez noted that the voters in this area could vote absentee at their convenience or drive to Whispering Pines. Preston concurred. Kriebel asked if the city has any other districts with split-ballots. Preston stated that there would be special ballots at the Caputa precinct for the two voters living in the newly formed Ward 2 Precinct 6. Kriebel stated that the people living in the Hidden Valley Lane area had an issue with the city. They did the stereotypical fight city hall and the council granted them their wishes. Kriebel stated that he feels this is retribution; as the alderman who helped these folks, I'm going to be denied the political support and vote of these people. He added that Alderman Partridge opposed these folks and he doesn't want them in five because they don't support his position or he doesn't support theirs. Kriebel stated that he feels this is gerrymandering at its finest. Kooiker stated that he feels the city can put special ballots at Ward 5 Precinct 3 just like we're doing for the voters in 2-6. He stated that he would rather see people vote at two different locations and keep them in the adjacent ward as part of that community of interest. These voters live by St. Martin's Academy which is in the extreme northwest part of the community. The proposed ordinance would require them to vote by Red Rocks Estates. Kooiker stated that he feels we are looking at Chapters 1 and 2 of a new book on gerrymandering. He also concurred with Alderman Kriebel in that these folks fought city hall and won up on Hidden Valley Lane and he feels the proposed inclusion of this area into Ward 3 is retribution for that issue. Kooiker that he feels this is gerrymandering. He also noted that he has a letter from the Secretary of State stating that SDCL does not prohibit such action by the municipality, however, to do so would be to disregard traditional districting principles. Rodriguez called the question and there were no objections. Roll call vote was taken on the amendment: AYE: Hanks, Kooiker, Hadley, Kriebel and French; NO: Murphy, Rodriguez, Waugh, Kroeger and Partridge. Mayor Shaw declined to vote and the amendment failed due to the tie vote. Roll call vote was taken on the original motion to approve first reading. AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge. NO: French, Kooiker, Hadley and Kriebel. Motion carried, 6-4.

Ordinance 4024 (No. LF021104-01R) entitled An Ordinance Adding a Definition of "Security Activity" to the Security License Regulations by Amending Section 5.52.010 of the Rapid City Municipal Code, having passed the first reading on March 2, 2004, it was moved by Hanks and seconded by Rodriguez 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 4024 was declared duly passed upon its second reading.

Ordinance 4028 (No. 04OA004) entitled An Ordinance Pertaining to Adoption of the Comprehensive Plan Amending the Public Notice Requirements in Advance of the Public Hearing by Amending Section 2.60.150 of the Rapid City Municipal Code, having passed the first reading on March 2, 2004, it was moved by Hanks and seconded by Rodriguez 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 4024 was declared duly passed upon its second reading.

The Mayor presented No. 04OA003, first reading of **Ordinance 4029**, entitled An Ordinance Establishing Notification Requirements for Reviews Conducted Pursuant to South Dakota Codified Law 11-6-19. Motion was made by Hanks and seconded by Murphy to approve first reading. Kooiker stated that the fee required in this ordinance will negatively impact groups who need an 11-6-19 review for use of the city's parks. He encouraged city staff to notify the Council and public when negotiations similar to those with the state for the correctional facility are taking place. Kroeger also spoke against the \$250 fee for this review. He added that the request for this ordinance amendment is a knee jerk reaction to the process used to attempt to locate a correctional facility near the City's landfill. Kriebel and Hanks also encouraged the Council to defeat the motion on the floor. Substitute motion was made by Kooiker, seconded by Waugh and carried to deny this item, with the understanding that the City Council will be notified of 11-6-19 reviews prior to the Planning Commission hearings.

Ordinance 4031 (No. LF031004-08) entitled An Ordinance Amending the Period of Time Junked or Abandoned Vehicles May Remain on Private Property by Amending Section 10.56.050 of Chapter 10.56 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4031 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 5, 2004.

Ordinance 4032 (No. LF031004-09) entitled An Ordinance Amending the Notification Requirements to Owner of Junked or Abandoned Vehicles by Amending Section 10.56.060 of Chapter 10.56 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4032 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 5, 2004.

Ordinance 4033 (No. LF031004-10) entitled An Ordinance Amending the Notification Requirements to Owner for Removal by the City of Junked or Abandoned Vehicles by Amending Section 10.56.080 of Chapter 10.56 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4033 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 5, 2004.

Ordinance 4034 (No. 04RZ003) a request by Kennedy Design Group for the Fraternal Order of Eagles for a Rezoning from Light Industrial District to General Commercial District on Lot 10 of Cambell Square Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Centre Street, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4034 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, April 5, 2004.

Ordinance 4035 (No. 04RZ004) a request by Dream Design International, Inc. for a Rezoning from No Use District to Low Density Residential District in the SE1/4 NE1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of Bunker Drive, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4035 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, April 5, 2004.

Ordinance 4036 (No. 04RZ005) a request by Dream Design International, Inc. for a Rezoning from No Use District to Park Forest District in the SW1/4 NE1/4 of Section 23, T2N,

R7E, BHM, Pennington County, South Dakota, located west of Bunker Drive, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4036 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, April 5, 2004.

Ordinance 4037, (No. 04RZ006) a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a Rezoning from Low Density Residential I District to Low Density Residential II District on the following property, was introduced: Beginning at the SW corner of the NW 1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, travel 197.45 feet at a bearing N0°7'16" East, then travel 290.63 feet at a bearing N47°29'05" East, then travel 65.43 feet at a bearing N63°38'15" East, then travel 105.52 feet at a bearing N29°24'44" West, then travel along a 220.48 foot radius LHF curve with a chord bearing N89°50'26" West at a distance of 220.36 feet to the 1/4 Section Line, then travel 55.67 feet at a bearing N0°7'16" East, then travel along a 126.00 foot radius LHF curve with a chord bearing S67°01'56" East, at a distance of 30.39 feet then travel along a 168.48 foot radius RHF curve with a chord bearing N85°33'23" East, at a distance of 190.08 feet, then travel along a 526 foot radius LHF curve with a chord bearing N52°01'54" East, as a distance of 14.93 feet then travel 102.77 feet at a bearing N37°9'18" West, then travel 83.66 feet at a bearing N9°21'07" West, then travel 110.01 feet at a bearing N35°36'28" East, then travel 100.98 feet at a bearing N69°46'53" East, then travel 122.49 feet at a bearing N87°48'19" East, then travel 74.12 feet at a bearing S52°32'1" East, then travel 151.24 feet at a bearing of S73°30'07" East, then travel 68.30 feet at a bearing S30°03'20" East, then travel 91.45 feet at a bearing S59°2'19" East, then travel 87.72 feet at a bearing S53°5'12" East, then travel 126.15 feet at a bearing S19°3'52" East, then travel 213.10 feet at a bearing S0°4'24" East, then travel 437.22 feet at a bearing S45°54'33" West, then travel 550.10 feet at a bearing N89°18'10" West to the point of beginning, said area contains approximately 12.43 acres, located east of Pevans Parkway. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4037 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, April 5, 2004.

Ordinance 4038, (No. 04RZ007) a request by the City of Rapid City for a Rezoning from No Use District to General Commercial District on the south 200 feet of Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4038 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, April 5, 2004.

Ordinance 4039, (No. 04RZ008) a request by Dream Design International, Inc. for a Rezoning from No Use District to General Commercial District on the following property, was introduced: A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet to the true point of beginning; thence N00°02'25"E, 499.64 feet; thence S89°57'35"E, 200.00 feet; thence S00°02'25"W, 500.20 feet; thence N89°47'57"W, 200.00 feet to the true point of beginning containing 2.295 acres more or less, located along North Elk Vale Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4039 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, April 5, 2004.

Ordinance 4040, (No. 04RZ009) a request by Dream Design International, Inc for a Rezoning from No Use District to Light Industrial District on the following property, was introduced: A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 1866.33 feet

to the true point of beginning; thence N00°02'25"E, 241.99 feet; thence S88°49'19"E, 1275.54 feet; thence S00°01'44"W, 762.36 feet; thence N89°48'10"W, 44.10 feet; thence N39°12'45"W, 503.01 feet; thence N63°34'43"W, 352.18 feet; thence N90°00'00"W, 597.56 feet to the true point of beginning containing 10.390 acres more or less, located along North Elk Vale Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4040 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, April 5, 2004.

Ordinance 4041, (No. 04RZ010) a request by Dream Design International, Inc. for a Rezoning from No Use District to Public District on the following property, was introduced: A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E along the south line of said SW1/4, 1611.63 feet to the true point of beginning; thence departing said south line N00°12'03"E, 256.06 feet; thence N90°00'00"E, 650.55 feet; thence N00°00'00"E, 612.50 feet; thence N90°00'00"W, 425.33 feet; thence N00°00'00"E, 356.31 feet; thence N89°56'14"W, 603.08 feet; thence N39°12'45"W, 528.68 feet; thence N63°34'43"W, 307.11 feet; thence N90°00'00"W, 574.15 feet; thence N00°02'25"E, 100.00 feet; thence N90°00'00"E, 597.56 feet; thence S63°34'43"E, 352.18 feet; thence S39°12'45"E, 503.01 feet; thence S89°48'10"E, 1369.54 feet to a point lying on the east line of said SW1/4; thence S00°01'04"W along said east line, 1324.29 feet to the southeast corner of said SW1/4; thence N89°47'57"W along the south line of said SW1/4, 1039.77 feet to the true point of beginning containing 24.696 acres more or less, located along North Elk Vale Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4041 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, April 5, 2004.

Ordinance 4042, (No. 04RZ011) a request by Dream Design International, Inc. for a Rezoning from No Use District to Public District on the following property, was introduced: A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 2108.32 feet to the true point of beginning; thence N00°02'25"E, 539.93 feet to a point lying on the north line of said SW1/4; thence N89°48'23"E, along said north line, 1275.18 feet; thence departing said north line S00°01'44"W, 561.85 feet; thence N88°49'19"W, 1275.54 feet; to the point of beginning containing 16.127 acres more or less, located along North Elk Vale Road. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4035 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, April 5, 2004.

Ordinance 4043, (No. 04RZ012) a request by Dream Design International, Inc. for a Rezoning from No Use District to Mobile Home Residential District on the following property, was introduced: A parcel of land located in the SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, SD, being more particularly described as beginning at the southwest corner of said Section 22; thence S89°47'57"E, 50.00 feet; thence N00°02'25"E, 499.64 feet to the true point of beginning; thence N00°02'25"E, 1266.69 feet; thence N90°00'00"E, 574.15 feet; thence S63°34'43"E, 307.11 feet; thence S39°12'45"E, 528.68 feet; thence S89°56'14"E, 603.08 feet; thence S00°00'00"W, 356.31 feet; thence N90°00'00"E, 425.33 feet; thence S00°00'00"W, 612.50 feet; thence S90°00'00"W, 650.55 feet; thence S00°12'03"W, 256.06 feet; thence N89°47'57"W, 285.93 feet; thence N89°47'57"W, 1075.70 feet; thence N00°02'25"E, 500.20 feet; thence N89°57'35"W, 200.00 feet to the point of beginning containing 64.333 acres more or less, located along North Elk Vale Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4043 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, April 5, 2004.

Legal & Finance Committee Items

The Mayor presented No. LF031004-03, A Resolution Approving Resolution of the City of Rapid City, South Dakota Relating to **Lease-Purchase of Airport Facilities**; Authorizing the Execution and Delivery of a Ground Lease Agreement, a Trust Agreement and a Lease-Purchase Agreement and Approving and Authorizing the Execution of Related Documents. Motion was made by Hanks and seconded by Rodriguez to approve the resolution. Substitute motion was made by Kooiker and seconded by Hadley to continue this item for two weeks to allow for a new public hearing. Hanks explained that this resolution is an agreement between the Airport Board and the Transportation Safety Agency dealing with two areas at the airport. The Airport Board will borrow approximately \$1.3 million to build an office facility for the TSA, and to remodel an area in the terminal building to be used as a pilots rest area. These facilities will then be leased. The revenues from the lease will be used to repay the loan. Hanks added that 80% of the loan will be repaid within the first five years and the loan will be paid off within seven years. Hanks further explained that federal regulations require TSA personnel to be located within five minutes from the airport. The proposal before the Council at this time will accomplish that goal. Kooiker explained that he attended the public hearing on this earlier today and there was no one from the airport available to answer any questions. There was also no one present from the Finance Office, the Airport Board, the bank, or the City's bond counsel. He added that the City Council was not notified of this hearing. Kooiker also expressed concern because some of the same players are involved with this agreement who were involved in the lease/leaseback proposal. He urged the council to continue this item because the public hearing that was held was inadequate. Hanks noted that the Airport Board also had a public hearing on this issue at their monthly Board meeting. Waugh called the question and there were no objections. Roll call vote was taken: AYE: French, Kooiker and Hadley; NO: Hanks, Murphy, Rodriguez, Waugh, Kroeger, Kriebel and Partridge. Substitute motion to continue failed, 3-7. Kooiker again urged the Council to delay action on this item so that any questions the public has can be answered. Rodriguez called the question and there were no objections. Roll call vote was taken on the original motion to approve: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: French, Kooiker, Hadley and Kriebel. Motion carried, 6-4. Kooiker stated that a two-thirds vote of the Council is required to sell public property. City Attorney Green stated that this issue is not selling city property.

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. CC031504-06 - **Data Agreement** with Montana-Dakota Utilities (GIS), with the revisions noted in the document submitted to the Council tonight.

Public Works Committee Items

Motion was made by Kooiker, seconded by Waugh and carried to approve the **parking meter request** at 429 Quincy, Scott Hadcock, for three parking meters.

Motion was made by Kooiker and seconded by French to direct staff to make the intersection of Mt. View Road and Arrow Street an **all-way stop** (No. PW022404-16). Roll call vote was taken: AYE: Hanks, French, Kooiker, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: Murphy and Rodriguez. Motion carried, 8-2.

Motion was made by Kooiker, seconded by Rodriguez and carried to approve the proposal submitted to the Council totaling \$31,613 from A-1 Construction to **remodel the Public Works/Engineering Division areas** on second floor of the City/School Administration Center.

Bills

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

Payroll Paid Ending 03-06-04, Paid 03-12-04	645,094.81
Payroll Paid Ending 03-06-04, Paid 03-12-04	1,580.80
Pioneer Bank, Taxes Paid 03-12-04	156,931.38
Pioneer Bank, Taxes Paid 03-12-04	119.78
First Administrators, claims paid 3-02-04	60,354.25
First Administrators, claims paid 3-09-04	52,227.27
Berkley Risk Administrators, February claims	19,028.46
BH Power & Light, electricity	4,183.32
Computer Bill List	<u>2,385,486.40</u>
Total	\$3,325,006.47

Payroll Paid Ending 03-06-04, Paid 03-12-04	2,700.61
Pioneer Bank, Taxes Paid 3-12-04	199.42
City of Rapid City, postage	173.06
City of Rapid City, health insurance	792.00
Dakota Business Center, copier maintenance	11.54
Simpson's Printing, newsletters	79.50
SD Retirement System, pension	290.30
SD School of Mines, telephone	54.55
Standard Life, insurance	<u>7.92</u>
Total	\$3,329,315.37

Motion was made by Hadley, seconded by Rodriguez and carried to go into Executive Session to discuss pending litigation and personnel matters. No action is expected on either of these issues.

The Council came out of executive session at 10:30.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:30 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)