

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 5, 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, April 5, 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 Captain Ed Hofkamp, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Hadley, seconded by Rodriguez and carried to approve the minutes of March 15, 2004.

Approval of the Agenda

The following changes were made to the Agenda:

- Special Engineering Department Awards
- Hills Alive concert (Hadley)
- Yard Waste Drop-Off Sites (Hadley)
- Report on Pre-Selection Committee for Civic Center (Hanks)
- Add the following Security Business License to Item No. 98: Guardian Security, Geraldine Yellow Robe
- Move Item No. 156 relative to the Airport Lease Proposal to Item No. 2A (Kooiker)
- Add an Executive Session under the City Attorney's Items to discuss pending litigation
- Move the Bid Award for Item No. 3 (Fifth Street Extension Project) to after No. 158 (Partridge)

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

Awards and Recognitions

Mayor Shaw presented the **Citizen of the Month Award** to Richard Cooper and commended him for outstanding volunteer service to the community.

Henry McKittrick from GCC Dakota Cement explained that the city was nominated three times for awards in **excellence in concrete**. He indicated that it is unusual to be nominated three times, but it is even more unusual to win all three awards. The first is a state-wide award presented by the SD Chapter of the American Concrete Paving Association in the category of Best Municipal Street Small Projects (less than 30,000 square yards). The award was given to the City's Public Works and Engineering Divisions for the Canyon Lake Drive Reconstruction Project. The Project Manager was Klare Schroeder and the Project Inspector was Ed Kleuber. McKittrick explained that the second award received by the City of Rapid City was a special award presented by GCC Dakota Cement for excellence in concrete for the Canyon Lake Improvement Project. McKittrick explained that this award is given to recognize those projects that are not only difficult, but have a lasting impact and beautify the

city. The Project Manager was Keith Johnson and the Project Inspector was Ed Kleuber. The third award was presented by Dakota Cement to the City for the United Blood Services parking lot project. While this was a private project, the Rapid City Engineering Division had a lot to do with it. Dave LaFrance and Kelly Buccholz assisted the designer and the paving contractor during the design and construction of this project. McKittrick congratulated the members of the Engineering and Public Works Departments for these awards. He added that the industry recognition denoted by these awards is evidence of the dedication to excellence shown by the city's Engineering and Public Works Departments.

Jennifer Sorenson, President of the SD Engineering Society, Black Hills Chapter, explained the Outstanding Engineering Achievement Award is presented in recognition of locally designed projects that demonstrate innovation and achievement in engineering. This year, the award is presented to the City for the Co-Compost Facility. Sorenson explained that this project was completed in 2003 and is the first of its kind in the upper mid-west. The facility is used to compost and recycle municipal waste and biosolids for Rapid City and will extend the life of the landfill approximately 30 years. Sorenson presented the award to Dan Coon and Jerry Wright from the City of Rapid City and Dallas Wasserburger and Brian Vulcan from the Alliance of Architects and Engineers.

General Public Comment

Wade Veren read a statement taking exception to comments made by Alderman Jean French relative to patrons of adult oriented businesses. During an interview with KNBN Television, French stated that every fourth person through the door of an AOB was intent on criminal behavior. Veren noted that this statement is unsubstantiated, inflammatory and indicative of subversive tactics used by zealots to oppose adult free enterprise. Since that interview, the City indicated that statistic came from Steve Allender at the Police Department. Lt. Allender has stated that he does not recall this statistic or anything that could have been construed to resemble the remark. Veren stated that he feel it is outrageous for a city official to publicly make such a slanderous remark. Alderman French stated that she is the chairperson of the AOB Committee. She reiterated that Lt. Steve Allender from the Police Department is the person who indicated that one out of four people that go into an adult oriented business on a daily basis, are there to commit an illegal activity. French stated that the Committee knows exactly what they are dealing with and there is no doubt in her mind that restrictions on these businesses are long overdue. Kooiker asked if the Police Department has a plan in place to enforce the lap dancing section of the city's ordinance. Capt. Hofkamp indicated that Lt. Allender has come up with a plan for enhanced enforcement and it will be reviewed the Chief Tieszen in the near future.

Glenis Torpey, representing the Western South Dakota Child Protection Council, thanked the Mayor for declaring that April is child protection month in Rapid City. She also thanked the Council for their actions relative to AOBs in the community.

Shane Barber asked for a brief report of the recent AOB Committee meeting. Committee Chairman Jean French reported that all members were present and it was a very good meeting. One thing that became apparent is that there is some confusion in the upper ranks of the Police Department on whether we should be allowing lap dances. This situation was clarified and lap dances are allowed if the dancer is clothed. French added that the Committee will be talking about licensing of employees and light meters in the future.

Pat Burchill, President of the Economic Development Foundation updated the Council on activities of the Foundation. The Foundation is the branch of Economic Development that deals with real estate. There are currently two business parks in Rapid City; Rushmore Business Park which is light industrial, and the other is South Creek Industrial park which is more heavy industrial. Burchill noted that the Foundation does represent all the citizens of Rapid City. They work with the private sector whenever a prospect comes to the community

looking to develop. Burchill added that Rushmore Business Park has recently been expanded. The Foundation received a economic development administration grant which was used to construct roads in the development. Burchill added that one of the current projects being worked on is the Business Incubator. Previously, the Foundation was looking at putting the Incubator in Rushmore Industrial Park. However, as a result of recent communications, they are now considering location of the Business Incubator on the campus of SD School of Mines & Technology. This will be a perfect fit and Burchill feel it will become a reality.

Pat Mexican appeared before the Council to ask about the status of the Deer Management Committee. Mayor Shaw explained that the Committee has not been fully appointed at this time. He noted that if there is information that the public wants the Committee to see, it can be delivered to the Mayor's Office. Shaw added that he expects to have the committee organized within the next couple of weeks.

The following Resolution (No. LF031004-03) was introduced, read and Rodriguez moved its adoption:

RESOLUTION 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

BE IT RESOLVED by the Common Council of the City of Rapid City, South Dakota (the "City"), as follows:

Section 1. Recitals.

1.01. The City is authorized by South Dakota Codified Laws, Section 9-21-18.1, as amended (the "Act"), to enter into lease-purchase agreements for acquisition of real or personal property that the governing body considers necessary or appropriate to carry out its governmental and proprietary functions. The governing body finds that it is necessary and appropriate to acquire and construct the interests in land, improvements and equipment more fully described in Exhibit A attached hereto by means of the Lease (as hereinafter defined) (the "Facilities").

1.02. The City has agreed with The First National Bank in Sioux Falls, as trustee (the "Trustee"), that the Trustee will, pursuant to a Ground Lease Agreement between the City and the Trustee (the "Ground Lease"), acquire certain interests in real property (the "Land") from the City, and the Trustee will lease its interest in the Land and lease and agree to sell the Facilities to be acquired, constructed and equipped thereon to the City pursuant to a Lease-Purchase Agreement between the Trustee and the City (the "Lease").

1.03. The Trustee will execute and deliver a Declaration of Trust (the Trust Agreement), pursuant to which the Trustee will (i) issue Certificates of Participation (the "Certificates") in the lease payments to be made by the City under the Lease and (ii) receive, hold and invest the proceeds of the sale of the Certificates and disburse such proceeds for payment of Construction Costs and Costs of Issuance (as defined in the Lease).

1.04. Dougherty & Company LLC (the Purchaser) is hereby retained by the City to underwrite the Certificates. Dorsey & Whitney LLP is hereby retained by the City as bond and disclosure counsel for the Certificates.

1.05. Forms of the following documents relating to the Facilities (the Documents) will be prepared and submitted to the City and, when received, are hereby directed to be filed with the Finance Officer of the City: (a) the Lease; (b) the Trust Agreement; (c) the Ground Lease;

(d) the Certificate Purchase Agreement; (e) the Certificates; and (f) the Official Statement by which the Purchaser will offer the Certificates for sale to the public.

1.06. Section 147(f) of the Internal Revenue Code of 1986 requires that prior to the issuance of the Certificates the Board of the Rapid City Regional Airport (the Board) shall give notice and the Mayor of the City shall hold a public hearing on the proposed Facilities, the Lease and the issuance of the Certificates issued therefor. Pursuant to such requirement, a public hearing on the Facilities, the Lease and the Certificates was called by resolution of the Board at a meeting held on March 10, 2004. Notice of the public hearing was published on February 28 and March 6, 2004, and the public hearing provided for therein was held on March 15, 2004 at 1:15 o'clock p.m. in the offices of the Mayor of the City.

Section 2. Authorization and Approval of the Documents. The financing described above is found to be favorable and is hereby approved. The President and Executive Director of the Board are authorized to approve the execution and delivery of the Ground Lease, the Lease and the Certificates in a principal amount not to exceed the sum of (i) \$1,300,000 for construction, land acquisition, equipment and related engineering costs, plus (ii) costs of issuance (including underwriter's discount not exceeding 2.5% of the principal amount of certificates to be issued), and (iii) bond insurance premium, if any. The Certificates shall bear interest at a rate or rates per annum resulting in an average interest rate not greater than 5.00% per annum and shall mature over a period not to exceed 10 years. The President and Executive Director are directed to enter into a Certificate Purchase Agreement with the Original Purchaser whereby the Purchaser will agree to purchase the Certificates; the execution of the Certificate Purchase Agreement by the President and Executive Director shall be conclusive evidence of their approval of the principal amount, purchase price, interest rates and other terms set forth therein. The President, Executive Director and City Attorney are authorized to approve the final forms of Documents and the President and Executive Director are directed to execute the Lease, the Ground Lease, the Trust Agreement and such other documents as shall be required to give effect to the transactions herein contemplated, as so approved. Copies of all Documents shall be delivered, filed and recorded as provided therein. The City will cooperate in the issuance of the Certificates, and the Mayor, City Finance Officer and City Attorney shall execute such other instruments as are necessary to the issuance of the Certificates.

Section 3. Modifications, Absence of Officers. The approval hereby given to the Documents includes an approval of such additional details therein as may be necessary and appropriate and such modifications thereto, deletions therefrom and additions thereto as may be necessary and appropriate prior to the execution of the Documents. The execution of any instrument by the appropriate officer or officers of the City or the Board herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms hereof. In the absence of the President or Executive Director, any of the Documents authorized by this resolution to be executed may be executed by such officers as, in the opinion of the City's Attorney, may execute documents in their stead and take all actions and execute all documents approved hereby.

Section 4. Payment of Lease Payments. The Lease Payments and other amounts due under the Lease, as defined therein, are expected to be paid primarily from payments received under a lease between the Board and the federal Transportation Security Administration (the TSA Payments) and to the extent the TSA Payments are insufficient to pay the Lease Payments and other amounts due under the Lease as they become due, from general revenues of the Regional Airport. The City will pay to the Trustee promptly when due, all of the Lease Payments and other amounts required under the Lease. To provide moneys to make such payments, the City will include in its annual budget, for each fiscal year during the term of the Lease, moneys sufficient to pay and for the purpose of paying all Lease Payments and other amounts due under the Lease, and will take all other actions necessary to provide

moneys for the payment of the obligations of the City under the Lease from sources of the City lawfully available for this purpose.

Section 5. Tax Matters. The City covenants and agrees with the Trustee and the registered owners from time to time of the Certificates that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest component of the Lease Payments to become subject to taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and regulations issued thereunder (the "Treasury Regulations"), in effect at the time of such action, and that it will take, or it will cause its officers, employees or agents to take, any and all actions within its powers to ensure that the interest component of the Lease Payment will not become subject to taxation under the Code and the Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Certificates.

Section 6. Arbitrage Certification. The President and Executive Director being the officers of the Board charged with the responsibility for issuing the Certificates pursuant to this resolution, are hereby authorized and directed to execute and deliver to the Trustee a certificate in accordance with the provisions of Section 148 of the Code, and Section 1.148-2(b) of the Treasury Regulations, stating the facts, estimates and circumstances in existence on the date of issue and delivery of the Certificates which make it reasonable to expect that the proceeds of the Certificates will not be used in a manner that would cause the Lease or the Certificates to be arbitrage certificates within the meaning of the Code and Regulations.

Section 7. Arbitrage Rebate. The City acknowledges that the Certificates are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Treasury Regulations to preserve the exclusion of interest on the Certificates from gross income for federal income tax purposes. In furtherance of the foregoing, the City Finance Officer is hereby authorized and directed to execute a tax certificate and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof.

Section 8. Lease of Facilities. The City covenants and agrees that it will not enter into a lease or use agreement relating to the Regional Airport constituting or comprising the Facilities unless the lease contains a provision to the effect that (1) the lessee has made an irrevocable election not to claim depreciation or an investment credit under the Code with respect to the leased premises and (2) the term of the lease is not more than eighty percent of the reasonably expected economic life of the Regional Airport facilities constituting or comprising the Facilities.

Section 9. Continuing Disclosure. The City acknowledges that the Certificates are subject to the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12) (as in effect and interpreted from time to time, the "Rule"). The Rule governs the obligations of certain underwriters to require that issuers of municipal obligations enter into agreements for the benefit of the holders of the obligations to provide continuing disclosure with respect to the obligations. To provide for the public availability of certain information relating to the Certificates and the security therefor and to permit participating underwriters in the primary offering of the Certificates to comply with the Rule, which will enhance the marketability of the Certificates, the Mayor and the City Finance Officer are hereby authorized and directed to execute an Agreement Concerning Continuing Disclosure, by which the City agrees to provide such information, either directly or through a disclosure agent, and the City hereby covenants and agrees to observe and perform the covenants and agreements contained therein, unless amended or terminated in accordance with the provisions thereof, for the

benefit of the registered owners or beneficial owners from time to time of the Outstanding Certificates as therein provided.

Section 10. Amendment. This resolution may be amended from time to time, prior to the issuance of the Certificates, by an administrative resolution adopted by this Council.

Section 11. Effective Date. This resolution shall become effective in accordance with Section 9-19-13, South Dakota Codified Laws.

Adopted April 5, 2004.

ATTEST:
s/ James F. Preston
Finance Officer

City of Rapid City
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Partridge. Finance Officer Preston requested that the resolution be amended to indicate a maximum interest rate of 5%. Rodriguez and Partridge agreed to include this amendment in their motion to approve the resolution. Airport Board Chairman Jerry Mitchell urged the Council to approve the resolution. A vote for the resolution will indicate to the Airport Board that the Council puts their trust in them to do the right things at the airport. He also thanked City staff for all the assistance they have provided to get this project going. French stated that she feels this is a good project, however, she has reservations because it is called a Certificate of Participation. If this is a bond, the project should go to a vote of the citizens. City Attorney Green stated that it is his opinion that this is not an item that could be put on the ballot by the City Council. There is a specific procedure in the law for authorizing lease purchase agreements that extend beyond one year. Placing this item on the ballot is not a part of that portion of state law. The only way something can be placed on the ballot is by referendum or initiative petition. Green added that this transaction is completely authorized by the law; this is not a skirting of the law. This transaction falls squarely within the requirements of state law with regard to lease purchase agreements and also within the requirements for a bond issue. Kooiker stated that he appreciates the transparency the Council is now seeing with this transaction thanks to Mr. Mitchell's explanations and Mr. Woodsend from Dougherty Dawkins. He noted that unlike the lease/leaseback proposal, this project is not a tax shelter. Kooiker added that state law does not define what a lease-purchase is and that leaves it wide open for cities to put bond issues within lease purchase agreements so that public votes aren't necessary. He encouraged the state legislature to fix this problem. Kooiker stated that in the future, the city should give equal consideration to local firms and banks and attempt to abide by the spirit of state law and not go out of our way to avoid putting issues on the ballot. Upon vote being taken, 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.

Bid Openings

The following companies submitted bids for **Fifth Street Extension Project** ST00-914 & Catron Boulevard (Highway 16B Fifth Street Intersection Project ST01-1095 which were opened on March 31, 2004: 1) Zandstra Construction; 2) Heavy Constructors; and 3) Rapid Construction. Mayor Shaw noted that consideration of these bids was moved to later in the agenda.

The following companies submitted bids for **Schamber Addition** (Cleghorn Water Assoc.) Water Main Extension Project No. W03-1286 which were opened on March 31, 2004: 1) RCS Construction; 2) Simon Contractors of SD; 3) Highmark, Inc.; and 4) Mainline Contracting. Staff has reviewed the bids and recommends award to RCS Construction. Motion was made by Waugh and seconded by Hanks to award the bid for W03-1286 to RCS Construction, the

lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$253,036.20. Engineering Division Manager Dan Coon explained that staff made an error on the bid tab. As a result, a change order will be processed soon after the award of the contract in the approximate amount of \$8,500. Coon added that even with the addition of the change order, this project will be within the overall budget. Upon vote being taken, the motion carried unanimously.

The following companies submitted bids for **Park Drive PCC Paving Replacement Project** ST03-1245 which were opened on April 1, 2004: 1) Simon Contractors of SD; 2) Tru-Form Construction; 3) Highmark, Inc.; 4) Heavy Constructors; 5) JV Bailey Company; and 6) Ainsworth Benning, Inc. Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Waugh, seconded by Hadley and carried to award the bid for ST03-1245 to Simon Contractors of SD, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$214,933.55.

The following companies submitted bids for **Sheridan Lake Road Panel Replacement Project** STCM03-1294 which were opened on April 1, 2004: 1) Simon Contractors of SD; 2) Tru-Form Construction; 3) Highmark, Inc.; 4) Heavy Constructors; 5) JV Bailey Company; 6) Ainsworth Benning, Inc.; and 7) Corr Construction. Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Waugh, seconded by French and carried to award the bid for STCM03-1294 to Simon Contractors of SD, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$208,520.50.

The following companies submitted bids for **Whitehead Ballfields Improvements Restroom & Picnic Shelter Project** PR04-1332 which were opened on April 1, 2004: 1) Mousel Construction; 2) Seco Construction; 3) RCS Construction; 4) Tru-Form Construction, Inc.; 5) Ainsworth Benning, Inc.; and 6) Corner Construction. Motion was made by Hanks, seconded by Hadley and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for **Well No. 11 Pump Replacement Project** W04-1387 which were opened on April 1, 2004: 1) Weston Engineering, Inc. Staff has reviewed the bid and recommends award. Motion was made by Hanks, seconded by Hadley and carried to award the bid for W04-1387 to Weston Engineering, Inc., the only bidder, for a total contract amount of \$41,721.80.

The following vendors submitted bids for No. CC040504-01, One New 2004 Model or Newer **Conventional Cab and Chassis** (2½ Ton Dump Truck) for the Parks Division, which were opened on April 1, 2004: 1) Eddie's Truck Sales; 2) West River International (two bids); and Rapid Chevrolet. Staff has reviewed the bids and recommends award to Rapid Chevrolet. Motion was made by French, seconded by Kriebel and carried to award the bid for One Conventional Can and Chassis to Rapid Chevrolet, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$33,940.

The following vendors submitted bids for No. CC040504-01, One New Current Model Year **Turf Sweeper** for the Parks Division, which were opened on April 1, 2004: 1) Midwest Turf & Irrigation; and 2) Sun Turf, Inc. Staff has reviewed the bids and recommends award to Sun Turf, Inc. It was noted that the bid submitted by Midwest Turf & Irrigation does not meet specifications. Motion was made by Waugh, seconded by Rodriguez and carried to award the bid for One New Current Model Year Turf Sweeper to Sun Turf, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$19,995.

Items from the Mayor

Project Manager Rod Johnson went through the **2012 projects** with the Council. Work on the Roosevelt Swim Center is proceeding and an opening date of approximately May 30th is expected. Work is also proceeding on the Public Safety Building Expansion and Parking Ramp Project. The contractor is working diligently to finish the lower levels of the parking ramp so that it can be used in the near future. Individuals involved with the Dahl Center have been in programming for the last few weeks and will soon be moving on to schematic issues.

Mayor Shaw noted that there are no committee appointments to make at this time.

Items from Council Members/Liaison Reports

Alderman Hadley noted that he received a telephone call relative to vendors for the Hills Alive concert and the issue of charging 15% because they are on the Civic Center campus. Motion was made by Hadley, seconded by Waugh and carried to refer the issue of charging food vendors 15% to the Legal & Finance Committee for discussion. Hadley noted that Civic Center Manager Brian Maliske will review this issue with the Civic Center board and bring a recommendation to the committee meeting.

Hadley also received comments relative to the **yard waste site** on Silver Street, adjacent to I-90. Hadley noted that these yard waste disposal sites are provided by the City as a convenience for citizens to drop off yard waste like grass clippings and tree branches. It was noted that furniture and other household waste is being disposed of at this site. Hadley urged the citizens to use these yard waste sites for yard waste only. They are not to be used for household waste like old furniture and mattresses. Kroeger concurred noting that five city employees from the Street Department and the Landfill just cleaned the area up this morning and shortly after they were done, there was another old chair at the site. He encouraged citizens who see people dumping illegal items to record their license plate and report that action to the Police Department for investigation. This is a great service, but if the city has to spend a great deal of money to keep them clean, the Council will have two choices: 1) raise the rates, or 2) eliminate the service. Kroeger added that this not the only site where these problems occur. It happens at the other yard-waste sites as well, but not as frequently as this one which is adjacent to the interstate. Vore stated that they have considered security cameras at these locations in the past and perhaps it is time to review that need.

Alderman Hanks reported that the Pre-Selection Committee has recommended that the following individuals serve on a selection committee: Mike Diedrich, Brian Maliske, Duane Whalen, Alan Hanks, Ron Kroeger and Michelle Lintz. Non-voting members of the committee will be Rod Johnson, Coleen Schmidt and Gunar Dzintars. These individuals will conduct the interview process on April 30th. RFPs will be sent to the following firms: TSP, Lund & Associates, ARC International, Thorstenson Design Group and Alliance of Architects & Engineers. The process is moving forward and the Committee will be reporting back to the Council with a recommendation.

Continued Items Consent Calendar – Items 13-41

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

13. No. 02PL093 - A request by Davis Engineering for a 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.

26. 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.

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

Continue the following items until April 19, 2004:

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.

27. 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.
28. 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.
29. 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.

30. No. 04PL005 - A request by Sperlich Consulting, Inc. for Gordon Howie for a 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.
31. No. 04PL016 - A request by Renner & Associates for Barry Peterson for a Preliminary Plat on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Kennel Drive along Centre Street.
32. No. 04PL020 - A request by Dream Design International, Inc. for a Preliminary Plat on Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, located along North Elk Vale Road.
33. No. 04PL022 - A request by Gordon Howie for Galen Steen for a Preliminary Plat on Lots 1 and 2, Steen Subdivision, located in the E1/2, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the west 66 feet of NW1/4 NE1/4, the SW1/4 NE1/4 and a portion of the NW1/4 SE1/4 of Section 25, located in the E1/2, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Anderson Road and South Side Drive.
34. No. 04PL023 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a Preliminary Plat on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills PRD, and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills PRD all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
35. No. 04PL024 - A request by Sperlich Consulting Inc. for Gordon Howie for a Layout and Preliminary Plat on Lot 10 and Lots 19 thru 23 of Block 8, Lots 2 thru 7 of Block 20, Lots 13 thru 19 of Block 21, Lots 1 thru 9 of Block 23, Lots 1 thru 8 of Block 24, Lots 1 thru 3 of Block 25, and Drainage Lot, Trailwood Village, located in the E1/2 SE1/4 of 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 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of Plateau Lane along Williams Street, Leola Lane and Quad Court.
36. 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.

37. No. 04SV009 - A request by Dream Design International, Inc. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk on one side of the street and to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of the intersection of Bunker Drive.
38. No. 04SV010 - A request by Renner & Associates for Barry Peterson for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Kennel Drive along Centre Street.
39. No. 04SV012 - A request by Dream Design International, Inc. for a Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 thru 3, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, located along 237th Street.
40. No. 04SV014 - 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 and sewer as per Chapter 16.16 of the Rapid City Municipal Code on Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, located along North Elk Vale Road.
41. No. 04SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code on a tract of land located within the Southwest One Quarter (SW1/4) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills PRD, located in the Southwest One Quarter (SW1/4) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills PRD, as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to

a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW $\frac{1}{4}$) of the Southwest One Quarter (SW $\frac{1}{4}$) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) BHM, City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and

continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills PRD, as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or

less) to the point of beginning; said tract of land contains 9.0 acres, more or less, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.

End of Continued Items Consent Calendar

The Mayor presented No. 02PL093, a request by Davis Engineering for a Final Plat located on Longview Drive to the east of East 53rd Street and Reservoir Road. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 Block 1, Lot 1 Block 2, Lots 1 thru 9 Block 3, Lots 1 thru 8 Block 4, Lot 1 Block 10, and Lot 1 Block 11 of Murphy Ranch Estates Subdivision, formerly a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, all located in NE1/4 NW1/4 and NW1/4 NW1/4 of Section 14, T1N, R8E, BHM, 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 a Plat of Lot 1 Block 1, Lot 1 Block 2, Lots 1 thru 9 Block 3, Lots 1 thru 8 Block 4, Lot 1 Block 10, and Lot 1 Block 11 of Murphy Ranch Estates Subdivision, formerly a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, all located in NE1/4 NW1/4 and NW1/4 NW1/4 of Section 14, T1N, R8E, BHM, 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 5th day of April, 2004.

ATTEST:
s/ James Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hadley. Growth Management Director Elkins explained that the information was not submitted according to the Wednesday deadline, however, it has been submitted and if the Council wishes, this plat can be approved. The following voted AYE: French, Murphy, Kooiker, Waugh, Kroeger, Hadley, Kriebel and Partridge; NO: Rodriguez and Hanks, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03PL117, a request by Dream Design International, Inc. for a **Final Plat** located along the extension of Prestwick Road and Bethpage Drive. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Red Rock Estates including Lot 6, Block 9; Lots 1 thru 4, Block 16; Lots 1 thru 8, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; located in the unplatted portion of the NW1/4 & NE1/4 of Section 29, T1N, 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 Red Rock Estates including Lot 6, Block 9; Lots 1 thru 4, Block 16; Lots 1 thru 8, Block 15; Lots 1 thru 10, Block 17; Lots 1 thru 17, Block 18; located in the unplatted portion of the NW1/4 & NE1/4 of Section 29, T1N, 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 5th day of April, 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 Hadley. Elkins explained that this item was inadvertently put on the continuation list. All the information was submitted by the Wednesday deadline and the plat can be approved. Upon vote being taken, 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

This was the time set for hearing on the application of the 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. Upon motion made by Hanks, seconded by Hadley 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 April 21 & 22, 2004. Motion was made by Hanks and seconded by Hadley to approve the application. Substitute motion was made by Partridge, seconded by Rodriguez and carried to approve this license as well as the following:

44. 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.
45. 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
46. Thrifty Smoke Shop, Inc. dba **Thrifty Smoke Shop**, 718 East St. Patrick Street, for an Off-Sale Liquor License (New License – No Video Lottery)
47. Thrifty Smoke Shop, Inc. dba **Thrifty Smoke Shop**, 3030 West Main Street, for an Off-Sale Liquor License (New License – No Video Lottery)

Upon motion made by Hanks, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on April 19, 2004:

- 48. **Black Hills Heritage Festival**, for a Special Malt Beverage License to be used July 1, 2004 through July 4, 2004 in Memorial Park
- 49. **Easter Seals South Dakota**, for a Special Malt Beverage License to be used on April 30, 2004 at 804 St. Joseph Street (formerly Pistachio Pie)
- 50. **Rushmore German Club**, for a Special Malt Beverage License to be used from August 20-28, 2004 at the Central States Fairgrounds, 800 San Francisco Street
- 51. South Dakota Popcorn Company, Inc. dba **Dakota's Best**, 445 Mt. Rushmore Road, for an Off-Sale Liquor License (New License – No Video Lottery)

Consent Calendar Items – 52-110

The following items were removed from the Consent Calendar:

- 66. Approve the Rapid City Fugitive Dust Control Compliance Plan and Schedule.
- 91. No. LF033104-17R – Approve Resolution Establishing Pool Rates with a 5% increase in the rates in 2005.

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

Public Works Committee Consent Items

- 52. Request staff to investigate the possibility of extending Riley to East Franklin and bring a recommendation forward at the April 13, 2004 Public Works Committee meeting.
- 53. No. PW033004-01 - Authorize staff to advertise for bids for One (1) New Current Model Year Jet Vac Truck for Street Division.
- 54. No. PW033004-02 - Authorize staff to advertise for bids for One (1) New Current Model Year Tandem Dump Truck with Sander Body for Street Division.
- 55. No. PW033004-03 - Authorize staff to advertise for bids for One (1) New Current Model Year Single Axle Dump Truck for Street Division.
- 56. No. PW033004-04 - Authorize staff to advertise for bids for Two (2) New Current Model Year Sander Spreaders for Street Division.
- 57. No. PW033004-05 - Authorize staff to advertise for bids for One (1) New Current Model Year Motor Grader for Street Division.
- 58. No. PW033004-06 - Authorize staff to advertise for bids for One (1) New Current Model Year Greens Mower for Municipal Golf Courses.
- 59. No. PW033004-07 - Authorize staff to advertise for bids for Gasoline and Diesel Fuel by Tank Wagon, City Departments.
- 60. No. PW033004-08 - Authorize staff to advertise for bids for Milwaukee Street Mill and Inlay Project No. ST04-1378.
- 61. No. PW033004-09 - Authorize staff to advertise for bids for Roadway Marking Contract Project No. PM04-1394.
- 62. No. PW033004-10 - Authorize Mayor and Finance Officer to sign American Engineering Testing, Inc. 2004 Contract Renewal for Sampling, Analysis and Reporting for Environmental Monitoring at Rapid City Landfill for an amount not to exceed \$51,959.05.
- 63. No. PW033004-12 - Authorize staff to proceed with Request for Proposals for Creek Drive Bridge Replacement Project No. ST04-1241.
- 64. No. PW033004-13 - Authorize staff to proceed with Request for Proposals for US 16B, Minnesota to St. Patrick, Sewer/Water Relocation Project No. SSW04-1393.
- 65. No. PW033004-14 - Acknowledge the Public Works Consultant Pre-Selection Committee Report.
- 67. Request staff to remove the stop signs and orange flags on Quincy, Kansas City, and Franklin streets on West Boulevard; and replace with yield signs.
- 68. No. PW033004-15 - Approve the Rapid City Mosquito Control and West Nile Prevention Plan; fund the program in its entirety from Council Contingency; and when grant funds are available the funds remain in the program or repay Council

- Contingency; and authorize the Mayor and Finance Officer to sign 2004 Department of Health Grant Application.
69. No. PW033004-16 - Approve the purchase of One (1) New Current Model Year Front End Loader Milling Attachment from Asphalt Zipper, Inc., sole source in the amount of \$55,950.
70. No. 04CA010 - Approve the Amendment to the Comprehensive Plan to adopt the City of Rapid City Bikeway/Walkway Plan.
71. No. 04VE002 - Approve a Vacation of Utility and Drainage Easement for petitioner United Building Center for Shirley Richter located at 631 City Springs Court.

RESOLUTION OF VACATION OF
UTILITY and DRAINAGE EASEMENT

WHEREAS it appears that a utility and drainage easement on Lot 2 of City Springs Subdivision, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 631 City Springs Court, is not needed for public purposes; and

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

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

Dated this 5th day of April, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

72. No. 04TP004 - Approve the 2004-2008 Rapid City Area Transportation Improvement Program Amendment #04-001.
73. Request staff to apply the 1994 Edition of the General Specifications for Public Works Construction; encourage compliance with 2002 Edition of the General Specifications; and offer to pay the difference in costs to oversize City infrastructure.
74. No. PW033004-17 - Concur in the bid award of the Southeast Connector Watermain and Sanitary Sewer Project No. SSW02-1137 PCEMS X110 to Heavy Constructors, Inc., the lowest responsible bidder meeting specification, for the low unit prices bid for a total contract amount of \$1,156,191.60.

Legal & Finance Committee Consent Items

75. Request staff to look into the options available on the house located at 1122 Quincy Street and bring those options back to the April 14, 2004, Legal and Finance Committee meeting.
76. No. LF033104-03 – Acknowledge the CIP Committee monthly update.
77. No. 04TP003 – Authorize Mayor and Finance Officer to sign Financial and Road Transfer Agreement between the City of Rapid City and the State of South Dakota.
78. No. LF033104-05 – Authorize Mayor and Finance Officer to sign Memorandum of Understanding Regarding Increasing Educational Loan Amounts.
79. No. LF033104-06 – Authorize staff to purchase a Chevrolet Suburban from Beck Motors (State Contract #14070) in the amount of \$29,116 and a Dodge Durango from Wegner Auto (State Contract #14076) in the amount of \$24,941.

- 80. Authorize staff to advertise for bids for one new one-ton four wheel drive crew cab pickup (funding to come from WMD Grant).
- 81. No. LF033104-07 – Approve request from Fall River County Commission to donate surplus dive rescue truck.
- 82. Declare the 1977 Ford E350 Dive Rescue Vehicle surplus (VIN E37AHY28815).
- 83. No. LF033104-08 – Approve Travel Request for Ken Simmons and two additional staff members to attend 76th Annual AAAE Conference & Exposition in Las Vegas, NV, from June 21-24, 2004, in the approximate amount of \$6,001.96.
- 84. No. LF033104-04 – Approve Travel Request for Craig Chilson and Nick Lindsley to attend Aircraft Rescue & Firefighting Leadership Seminar in Helena, Montana, from April 13-16, 2004, in an approximate amount of \$2,164.
- 85. No. LF033104-09 – Approve proposed amendment to Pennington County-Rapid City GIS Information Policy regarding sharing of data with utility companies.
- 86. LF033104-11 – Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Street Department

1995 JetVac Truck, SN 11431, Inv. No. 001585
 1979 Ford F600 single axle truck, SN EJ2305, Inv. No. 001557
 1970 Galion 104-B Motor Grader, SN 10655, Inv. No. 002256
 1977 Ford Sander, SN 80704, Inv. No. 001549
 1980 Ford Sander, SN JA0080, Inv. No. 001558

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 5th day of April, 2004.

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

CITY OF RAPID CITY
 s/ Jim Shaw, Mayor

- 87. Approve the request for Federal Emergency Management funds (\$50,000) to install a keyless entry system in the CSAC Building.
- 88. No. LF033104-14 – Authorize staff to transfer \$900 from 2003 Mini Grant Fund GREAT Program to 2004 Contract for Services Fund to pay for speaker for S.A.V.E. Youth Conference March 2-4, 2004 (Weed & Seed).
- 89. No. LF033104-15 – Authorize Mayor and Finance Officer to sign Agreement for Construction of Sanitary Sewer between the City of Rapid City and J.F. England's Sons, Inc.
- 90. No. LF033104-16 – Authorize Mayor and Finance Officer to sign Memorandum of Understanding between the City of Rapid City, Colin Treeby, and John Rock.
- 92. No. LF033104-18 – Authorize Mayor and Finance Officer to sign Contract with Rapid City Softball Association.

93. No. LF033104-19 – Authorize Mayor and Finance Officer to sign Golf Course Food and Beverage Concession Agreement.
94. No. LF033104-20 – Approve Request for Proposals for Vending at Roosevelt Swim Center.
95. No. LF033104-21 – Authorize Mayor and Finance Officer to sign Agreement with Rapid City Racers Swim Club, Inc.
97. No. LF033104-23 – Approve the following abatement: Dorothy Dippert, 2003, \$1,153.26.
98. No. CC040504-05 – Approve the following licenses: Security Business: Guardian Security (Geraldine Yellow Robe); Electrical Journeyman: Jeremy Anderson, Harley Baker, Clark Steeves; Electrical Apprentice: Corey Buckley, Andrew W. Doell, Jesse Jensen, Donnie Patterson; Electrical Contractor: Jeffrey Neil Miller; Mechanical Apprentice: Douglas Amick, David E. Bay, Tylor Bedford, Kasey Bowerman, Dale Buehler, Dana Dusek, Joshua R. Ebel, Frank Evans, Kenneth Gibson, Ronald E. Glasscock, Allen W. Hammerquist, Daniel I. Hartman, Troy Hastings, Danny Hayes, Tim Hillestad, Chad Horst, Jesse Horst, Mark A. Krolikowski, Charles W. Lefler, John Lefler, Jr., Justin Peckham, Luke Ronneberg, Mitch Shaffer, John Shook, John Siers, Mark Sigler, Dan Smith, Leonard Snaveley, Jordan Thomas, Tim Von Eye, Victor Wood, Victor Zepeda; Mechanical Installer: Marvin H. Anderson, Mike Anderson, John R. Ashby, Sr., D. Mike Austin, Dave A. Bell, Brian Bies, Terry A. Borr, Barry T. Bugenhagen, Mark L. Chilstrom, James B. Copeland, Jack Corean, Al Cornella, Scott Cornella, Gregory B. Cyriacks, Glenn Delabarre, Mark A. Deperte, Scott J. Deyoung, Franklin G. Durst, Jason D. Fenner, Robert Fleming, Theodore L. Foskett, Roger Friedrichsen, Chuck Hibbard, Chris Johnson, Ron Lineweber, Chuck Madrigal, Brad Madsen, Corey L. Merrill, Lester Miles, Randi L. Miller, Jeffrey A. Murphy, Edwin Noble, Kenneth Noble, Michael J. Ogren, Harlan E. Olson, Philip G. Pulse, Richard J. Reif, Shannon J. Sailer, Kevin Schmidt, Dale Schulte, Christy M. Simons, Bret D. Sullivan, Mark R. Thomas, Steve Van Dam, Lance H. Walker, William E. Willard, Robert Witte, Joe Youngblood; Mechanical Contractor: Accurate Plumbing & Heating, Gerald G. Cook; Action Mechanical, John Hammond, Jr.; Action Mechanical, Chris Johnson; Advanced Heating & Air Conditioning, Brian Staton; Aero Sheet Metal, Lee Estes; All Seasons Heating and Cooling, Doug Frisk; American Quality, Jeffrey A. Murphy; B & H Heating, Charles “Buzz” Hammerquist; Champion Home Service, Cody Champion; Al Cornella Refrigeration, Al Cornella; Dakota Heating & A/C, Tony Baumstarck; Extreme Heating & Cooling, Johnathan C. Gehlsen; FBI Mechanical Electrical, Dave Willard; GEO-AIRE, Inc., Allen Daly; GEO-AIRE, Inc., Wade Shorb; High-Tech Mechanical, Inc., J. Craig Waddington; Iseman Mobile Homes, William N. Scoular; Iseman Mobile Homes, Kenneth L. Ward; Mark’s Home Services, Mark Deperte; Meyer Mechanical, Dan L. Meyer; Noble Heating & Air Conditioning, Kenneth Noble; Ray’s Heating & Air Conditioning, Raymond R. Winters; Ronneberg HVAC, Inc., Ron Ronneberg; Skinny’s Sheet Metal, Everett L. Smith; Tessier’s, Inc., Dennis Corcoran; Wieman Plumbing, Curt Wieman; Z’s Heating & Cooling, Aaron Zimmiond; Apprentice Plumber: Christopher Alumbaugh, Aaron A. Brown, James Haynes, William C. Jennings, Jeffrey C. Stickler, James A. Stover, Ryan Vermeulen; Plumber: Thurman W. Blackbird, Gayle Christianson, Roger Friedrichsen, Terry L. Godfrey, Craig Heigh, Tim Hillestad, Brian Huckins, Chad Iseminger, Robert A. Mitchell, Tim Nayman, Henry Niemann, John E. Paulson, Douglas D. Ries, Lloyd J. Roscamp, Estes P. Rothenberger, Leonard Roy Smith, Brian D. Swenson, Shayne Tines, Timothy Lee Van Buren, Leo F. Volin; Plumbing Contractor: AAA Plumbing, Robert Raczynski; Accurate Plumbing & Heating, Gerald G. Cook; Action Mechanical, Inc., Thomas Hagemann; Action Mechanical, Inc., John D. Hammond, Jr.; Action Mechanical, Inc., Dwight Kuntz; Action Mechanical, Inc., John D. Shook; C & S Plumbing, Tom Schultz; Callahan Plumbing & Heating, Tim Callahan; Darrell’s Plumbing & Heating, Darrell O. Barry; Day & Night Plumbing, Jack Franke; Day & Night Plumbing, Jason Franke; Fischbach Plumbing & Heating, Joseph Fischbach; JKD Plumbing, John K. Drewitz; Krohmer Plumbing, Frank Krohmer; Paul’s Plumbing

Service, Paul Dollman; Plumbing Plus, Jon Anderson; Seepco – Seepco Storage, Kenneth Skyberg; Tessier's, Inc., Dennis H. Corcoran; Wieman Plumbing, Curt Wieman; Residential Contractor: CWT Corporation, Dough & Ryan Gab; Scott Martin Construction, Scott A. Martin; Riss Homes, John A. Riss; Sewer & Water Contractor (new license): Rodney Reynolds, Rod's Excavating; Sewer & Water Contractor (renewal): Chuck Ferguson Construction, Chuck Ferguson; Day & Night Plumbing, Jack Franke; De Haan Construction, Inc., James R. De Haan; Lind-Exco, Inc., Gregory A. Lind; Plumbing Plus, Jon Anderson; Simon Contractors, Michael R. Schnell; Solinsky Construction, Inc., Donald Solinsky; Spearfish Excavating, Inc., Kenneth Reinert; Alan K. Schroeder; Sewer & Water Journeyman (renewal): Leonard Baker, Ron Berens, Jack Corr, Daniel J. Earley, Kevin Good, William W. Haas, Michael W. Irwin, Steve Lhotak, Samuel Morris, III, David R. Mueller, Brett Torrey; Sewer & Water Apprentice (renewal): Jason R. Franke; Trenching Contractor (new license): Kenneth Kainz, Kainz Contractors, Inc.; Jim Mann, Montana Dakota Utilities Co.; Trenching Contractor (renewal): Checker Electric, Inc., Randall I. Albers; Flagler Trucking Construction, Nancy Flagler; Munyan Excavating, Inc., Robert Munyan; Stan's Excavating, Stan Willmschen; Trenching Journeyman (new license): Ron Blum, William Dutton, Kip Easton, Kevin Glover, Wade Jutila, Andrew Morse, Don Osborne, David M. Rhodes, Josh Sanders, Kelly Smith, Chuck Yotter; Trenching Journeyman (renewal): Marcus T. Cleberg, Donald D. Donaldson, LaVern G. Foerster, Billy Gifford, Jim Gray, Gary Higlin, Rick Himmelspace, Jim Lien, Henry McIntosh, Rachael Moore, Larry J. Nelson, Kent Otto, Justin Parker, Anthony Patino, Wade C. Wasserburger.

Planning Department Consent Items

99. No. 04AN001 – Approve the request by Dream Design International, Inc. for a **Petition for Annexation** located west of Bunker Drive.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the territory described within, contiguous to the City of Rapid City, has been filed with the City of Rapid City;
and

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 80.1547 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

SW1/4 NE1/4 and SE1/4 NE1/4 less that 33 foot strip of land located in the SE1/4 NE1/4 lying within the Rapid City Corporate Boundary, Section 23, T2N, R7E, BHM, Pennington County, South Dakota.

Dated this 5th day of April 2004

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

100. No. 04AN002 – Approve the request by Dream Design International, Inc. for a **Petition for Annexation** located along North Elk Vale Road.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the territory described within, contiguous to the City of Rapid City, has been filed with the City of Rapid City; and

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 140 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

W1/2 SW1/4 and SE1/4 SW1/4 all located in Section 22, T2N, R8E, BHM, Pennington County, South Dakota; E1/2 SE1/4 SE1/4 of Section 21, T2N, R8E, BHM, Pennington County, South Dakota; and the 66 foot section line right-of-way lying between the SE1/4 of Section 21 and the SW1/4 of Section 22, all located in T2N, R8E, BHM, Pennington County, South Dakota.

Dated this 5th day of April 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

101. No. 04PL011 - A request by Renner & Associates for Chuck Lien for a **Preliminary Plat** on Tract A, Creek Drive Industrial Park located in NE1/4 of SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Creek Drive. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) A Floodplain Development Permit shall be obtained prior to the start of any construction within that portion of the property located within the 100 year federally designated floodplain; 2) Prior to submittal of a Final Plat, the plat document shall be revised to show a 20 foot wide drainage easement along the north lot line; and, 3) Prior to submittal of a Final Plat, the plat document shall be revised to show a non-access easement along Creek Drive except for approved approach location(s) as per the Street Design Criteria Manual.)
102. No. 04PL012 - A request by Gregory and Bonnie Josten for a **Layout Plat** on Lots 34 and 35 of Pinewood Estates, E1/2, NE1/4, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3343 and 3341 Pinewood Drive. (Acknowledge the applicant's request that the Layout Plat be withdrawn.)
103. No. 04PL013 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 15BR and 23RA of Enchanted Hills Subdivision No. 4 located in the S1/2 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1R, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lots 15B and 23R of Enchanted Hills Subdivision No.4 located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot 1, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N,

R7E, BHM, Rapid City, Pennington County, South Dakota, located east of U.S. Highway 16B and north of Catron Boulevard. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, construction plans for the southern 70 feet of Enchantment Road shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter and pavement improvements or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 3) Prior to Preliminary Plat approval by the City Council, a structural site plan shall be submitted for review and approval; 4) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and, 5) 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.)

104. No. 04PL014 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of the intersection of Bunker Drive. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3) Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that agreements necessary to assure wastewater connection fees for upgrades, improvements or replacement to the sanitary sewer lift station serving this area, are in effect and that the appropriate fees shall be paid; 5) Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water main to be located along the east lot line of the subject property shall be constructed as a 14 inch diameter water main per the City's Northeast Area Analysis completed in July, 2002; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the design and construction of a booster station or reservoir in order to provide water service to that portion of the subject property located at or above 3,450 foot elevation; 7) Upon submittal of a Preliminary Plat application, road construction plans for the interior streets shall be submitted for review and approval. In particular, the three cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained. The balance of the interior streets shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8) Upon submittal of a Preliminary Plat, the plat document shall be revised to provide street connections to the properties located north and west of the subject

property as needed; 9) Upon submittal of a Preliminary Plat, the plat document shall include the right-of-way for the two streets located within the CHMH Subdivision and the construction plans shall include the off-site street improvements or the two streets shall be dedicated as right-of-way and constructed as a part of a separate plat action; 10) Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits; 11) Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 12) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 13) Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 14) Prior to submittal of a Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 15) Prior to submittal of a Final Plat, the applicant shall submit proposed street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; and, 16) Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

105. No. 04PL015 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** on property described by metes and bounds as 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. (DENY WITHOUT PREJUDICE.)
106. No. 04PL017 - A request by Renner & Associates for Summit Inc. for a **Layout Plat** on Tract A and Tract B Summit Industrial Park and the balance of Lot X of Lot H2 located in NW1/4 SW1/4 Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1R Revised and 2R Revised of Summit Industrial Park and the balance of Lot X of Lot H2 located in NW1/4 SW1/4 Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Deadwood Avenue. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and

approval. In particular, the drainage plan shall include drainage flows from property located north of the subject property. The drainage plan shall also include any inundation limits within the southeast corner of the property and onsite detention if necessary. In addition, the plat shall be revised to show drainage easements as needed; 2) Upon submittal of a Preliminary Plat, the plat document shall be revised to show non-access easements as per the Street Design Criteria manual. In particular, the plat document shall show a non-access easement along Deadwood Avenue except for one approved approach to Tract B. Access to Tract A from Deadwood Avenue shall require a Special Exception to the Street Design Criteria Manual to allow access from a street that is not the lesser order street; 3) Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. The utility master plan shall include the location of private utilities such as telephone, electric, gas, etc.; 4) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, the applicant shall coordinate the location of sewer service tap(s) along Lange Road with the South Dakota Department of Transportation road construction project. If an on-site wastewater system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval. In addition, a wastewater permit shall be obtained from the South Dakota Department of Natural Resources for any onsite commercial and/or industrial use(s); 5) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If a shared well is proposed then 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 submittal of a Final Plat, water and sewer supplemental tap fees shall be paid to the South Dakota of Transportation if required; 7) Upon submittal of a Preliminary Plat, construction plans for Deadwood Avenue as a principal arterial street shall be submitted for review and approval. In particular, Deadwood Avenue shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8) Upon submittal of a Preliminary Plat, construction plans for Lange Road as a minor arterial street shall be submitted for review and approval. In particular, Deadwood Avenue shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9) Upon submittal of a Preliminary Plat, a subdivision cost estimate shall be submitted for review and approval; 10) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 11) All Uniform Fire Codes shall be continually met; and, 12) 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.)

107. No. 04PL018 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 3, Collins Estates, located in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, legally described as N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, located along 237th Street. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3) Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and

approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 4) Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review. If a shared well is proposed then 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) Upon submittal of a Preliminary Plat application, road construction plans for 237th Street shall be submitted for review and approval. In particular, the 237th Street shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer improvements or a Variance to the Subdivision Regulations shall be obtained; 6) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7) Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 8) A Special Exception is hereby granted to allow a 1,350 foot long cul-de-sac without intermediate turnarounds in lieu of a 1,200 foot long cul-de-sac with intermediate turnarounds every 600 feet as per the Street Design Criteria Manual with the stipulation that a turnaround with a minimum 110 foot diameter right-of-way and a 92 foot wide diameter all weather surface shall be provided at the end of the cul-de-sac; 9) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a street in excess of 12% grade as per the Street Design Criteria Manual or road construction plans shall be submitted for review and approval lowering the grade of the road to 12%; 10) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow the existing street to be located off center line of the right-of-way as per the Street Design Criteria Manual or additional right-of-way shall be dedicated for portions of the street; 11) Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 12) Upon submittal of a Final Plat application, a road maintenance agreement for 237th Street shall be submitted for review and approval; 13) Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit is applied for, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; and, 14) Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

108. No. 04PL019 - A request by Ferber Engineering Co. for Calvary Lutheran Church for a **Layout and Preliminary Plat** on Lots 1 and 2 of Calvary Lutheran Church Subdivision and dedicated public right-of-way for Sunshine Trail and Sheridan Lake Road located in the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard along Sheridan Lake Road. (APPROVE THE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval, additional drainage information shall be submitted for review and approval demonstrating that the size of the proposed major drainage easement is adequate. In addition, the plat document shall be revised to provide additional drainage easement(s) as needed; 2) Prior to Preliminary Plat approval by the City Council, the construction plans for Sunshine Trail shall be revised to show Sunshine Trail located in a minimum 49 foot wide right-of-way with sidewalks on both sides of the street or a Variance to the Subdivision Regulations shall be obtained. In addition,

construction plans for the west 50 feet of Sunshine Trail shall be submitted for review and approval. In particular, the plans shall show Sunshine Trail located in a minimum 49 foot wide right-of-way with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3) A Special Exception is hereby granted to allow curb side sidewalks in lieu of property line sidewalks as per the Street Design Criteria Manual; 4) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5) Prior to Preliminary Plat approval by the City Council, a Petition to Vacate Right-of-way shall be signed by the adjacent property owners for that portion of Sunshine Trail proposed to be vacated; 6) Prior to Preliminary Plat approval by the City Council, all of the affected utility companies shall submit written documentation concurring with the proposed Sunshine Trail vacation; 7) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 8) Prior to submittal of the Final Plat, the plat document shall be revised to show Sunshine Trail dedicated as "right-of-way"; 9) Prior to submittal of the Final Plat, the plat document shall be revised to show Sheridan Lake Road dedicated this plat as "right-of-way"; 10) Prior to submittal of the Final Plat, the note numbered "2" on the plat document shall be revised to include "except where major drainage easements are located"; 11) Prior to submittal of the Final Plat, the applicant shall obtain approval from the City authorizing the H Lot located along the north side of Sunshine Trail and the H Lot shall be recorded at the Register of Deed's Office or the plat document shall be revised to show the dedication of the additional right-of-way; and, 12) 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

- 109. No. CC040504-02 – Notification of Raffle submitted by Youth & Family Services, Head Start Program, said raffle to be held on May 17, 2004.
- 110. No. CC040504-03 – Notification of Raffle submitted by Rapid City Girl's Junior Olympic Amateur Softball Association, said raffle to be held in May 1, 2004.

END OF CONSENT CALENDAR

The next item discussed by the Council was the **Rapid City Fugitive Dust Control Compliance Plan** and Schedule. Motion was made by Hadley and seconded by Kooiker to approve the Plan and Schedule. French stated that there is a lot of construction going on in the south part of town which has created problems with fugitive dust. Growth Management Director Elkins explained that the item before the Council at this time is a plan for the city to manage dust issues on city construction projects. It does not pertain to projects being done by other companies. Upon vote being taken, the motion carried unanimously.

The next item before the Council was a **Resolution Establishing Pool Rates** with a 5% increase in the rates in 2005. Motion was made by Rodriguez and seconded by Waugh to approve the resolution. Substitute motion was made by Partridge and seconded by Rodriguez to approve the Resolution with a 5% rate increase, rounded to the nearest quarter. Partridge noted that this will make transactions easier for individuals working at the pools. Kooiker asked for justification for the cost of replacement cards. Parks & Recreation Director Jerry Cole explained that the actual cost for issuing a replacement card, including staff time and supplies, is approximately \$8.50. Kooiker stated that the city should take a conservative approach and not increase pool rates from 2004 to 2005. He also spoke in favor of reducing the fee for a replacement card to \$10. Substitute motion was made by Kooiker and seconded by Hadley to approve the original rate structure proposed by Director Cole with no rate increase from 2004 to 2005, and reduce the cost for a replacement card to \$10. Hadley stated that he feels the proposed rate schedule is too steep for individuals who only want to

lap swim at Horace Mann Pool. Cole explained that they are trying to create parity throughout all the pools with the proposed rate structure. He added that it would not create a hardship for staff to create a separate rate schedule for Horace Mann Pool. Cole added that it is the city's hope that the people who lap swim at Horace Mann pool will become year-round lap swimmers and buy passes for the indoor pool. It was noted that the rate structure for the pools needs to be approved as soon as possible so that the information can be included in the recreation brochure that is scheduled to go to print next week. The brochure is critical to the marketing of the pools throughout the community. City Attorney Green added that the City Council can amend the resolution establishing the rate structure at any time. Partridge spoke against the substitute motion. He noted that costs for everything are increasing including what the city is spending to provide swimming in the community. Kroeger also spoke against the substitute motion. The projected subsidy for pools in 2004 is approximately \$600,000 and the proposed increased in rates is minimal. Regarding Horace Mann Pool, the subsidy per bather at this pool is very high. If the rates are reduced, it will cost the city even more to operate Horace Mann Pool. Kriebel stated that prior to the projections for the indoor pool, about 75% of all increases in operational costs have been shifted to the users. He spoke against increasing the rates from 2004 to 2005 at this time. Kroeger added that in the last 5-6 years, the City has spent in excess of \$17 million on swimming pools in the community. The rates need to keep pace. Rodriguez 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 failed, 3-7. Discussion continued on the original motion to approve the rates with a 5% increase from 2004 to 2005, with the fees rounded to the nearest quarter. Motion was made by Kooiker and seconded by French to amend the motion to reduce the replacement card fee to \$10. Upon vote being taken, the motion carried with Hanks and Murphy voting no. Following is the resolution being considered:

RESOLUTION ESTABLISHING SWIMMING POOL RATES CITY OF RAPID CITY, SOUTH DAKOTA

BE IT RESOLVED by the City of Rapid City that the following pool rates are established, effective April 5, 2004, and all previous resolutions pertaining to pool rates are hereby rescinded:

Pool Rates

2004

SEASON PASSES

RESIDENT	10/20 PUNCH PASS	QUARTERLY	YEARLY
ADULT	\$33.00/45.00	\$55.50	\$188.00
YOUTH	\$26.00/35.00	\$42.50	\$140.50
SENIOR	\$22.50/30.00	\$37.00	\$123.00
FAMILY (4 PASSES)	\$75.00/100.00	\$106.00	\$351.50
ADDITIONAL FAMILY	\$9.50/17.00	\$19.00	\$35.00
MONTHLY	N/A	N/A	N/A
NON-RESIDENT			
ADULT	\$36.00/54.00	\$69.00	\$234.50
YOUTH	\$28.00/42.00	\$55.50	\$188.00
SENIOR	\$24.00/36.00	\$46.00	\$152.50
FAMILY (4 PASSES)	\$80.00/110.00	\$119.00	\$433.00
ADDITIONAL FAMILY	\$12.00/24.00	\$20.50	\$58.50
MONTHLY	N/A	N/A	N/A

400 OR MORE	\$22.50
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REPLACEMENT	\$10.00
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DAILY PASSES***Adult***

Waterparks	\$4.50
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Horace Mann	\$4.50
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Youth

Waterparks	\$3.50
------------	--------

Horace Mann	\$3.50
-------------	--------

Senior

Waterparks	\$3.00
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Horace Mann	\$3.00
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<i>Group Rate</i>	\$2.75
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<i>Pool Rental Rate</i>	\$80.00
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Pool Rates

2005**SEASON PASSES**

ADULT	\$34.75/47.25	\$58.25	\$197.50
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YOUTH	\$27.25/36.75	\$44.75	\$147.50
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SENIOR	\$23.75/31.50	\$38.75	\$129.25
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FAMILY (4 PASSES)	\$78.75/105.00	\$111.25	\$369.00
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ADDITIONAL FAMILY	\$10.00/17.75	\$20.00	\$36.75
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MONTHLY	N/A	N/A	N/A
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NON-RESIDENT

ADULT	\$37.75/56.75	\$72.50	\$246.25
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YOUTH	\$29.50/44.00	\$58.25	\$197.50
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SENIOR	\$25.25/37.75	\$48.25	\$160.25
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FAMILY (4 PASSES)	\$84.00/115.50	\$125.00	\$454.75
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ADDITIONAL FAMILY	\$12.50/25.25	\$21.00	\$61.50
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MONTHLY	N/A	N/A	N/A
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400 OR MORE	\$23.75
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REPLACEMENT	\$10.00
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DAILY PASSES***Adult***

Waterparks	\$4.75
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Horace Mann	\$4.75
-------------	--------

Youth

Waterparks	\$3.75
------------	--------

Horace Mann	\$3.75
Senior	
Waterparks	\$3.25
Horace Mann	\$3.25
Group Rate	\$2.75
Pool Rental Rate	\$80.00

Dated this 5th day of April, 2004

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Roll call vote was taken on the first substitute motion, as amended: AYE: French, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Hanks, Kooiker, Hadley and Kriebel. Motion carried, 6-4.

Planning Department Items

The Mayor presented No. 04CA002, a request by Stanley & Durr LLC dba Fjords Ice Cream Factory for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial**, located at 1805 and 1815 38th Street. 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.932 acre parcel of land from Residential to Neighborhood Commercial, on Lots 1 and 2, Mediterranean Subdivision, Section 4, 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 5th day of April, 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 Partridge. 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. 04CA004, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 40.12 acre parcel from Park Forest to Low Density Residential with a Planned Residential Development** located west of Bunker Drive. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 40.12 acre parcel from Park Forest to Low Density Residential with a Planned Residential Development, on SE1/4 NE1/4 of Section 23, T2N, R7E, BHM, 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 5th day of April, 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. 04CA005, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.295 acre parcel from General Agriculture to General Commercial with a Planned Commercial Development**, located along North Elk Vale 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 2.295 acre parcel from General Agriculture to General Commercial with a Planned Commercial Development, on 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; 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 5th day of April, 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. Judy Caron spoke against the proposed development in this area. She stated that the push for development in this area is for a minimum security prison to be constructed by the State Department of Corrections. The people in this area are concerned with basic concerns about safety and whether or not this is a location that is good for everyone concerned. There are also concerns about development in the flood area. The land owners in this area would like a study done that will show that the proposed development is in an area that is safe for people to live in. Caron noted that one of her neighbors built a barn and had to put in approximately four feet of fill to comply with the regulations. Mike Whiting and Virgil Roscam also spoke relative to this issue. Whiting stated that he owns property adjacent to the proposed development. Before his building permit was approved, he had to have the property surveyed and elevations established. He stated that the developers of this property should also have to go through all of those steps. Growth Management Director Marcia Elkins explained that a flood analysis report has been done on this property and submitted to the city for review as part of the platting process. Staff is in the process of reviewing the information and the plats were continued to the April 19th City Council meeting. Regarding the flood hazard issues in this area, Elkins explained that this area lies in "Unnumbered Zone A" which is an area of unidentified flooding. There is no detailed study or analysis of the floodplain in this area. Elkins explained that the applicant is going through that process right now. They will do a flood study of this portion of the Box Elder Drainage Basin to identify those areas where development can occur and the restrictions that will apply. This is a detailed engineering process and the details are being reviewed by city staff at the present time. If there is development in this area under the current regulations for Unnumbered Zone A, improvements can be done under certain conditions. Elkins added that the petitioner does intend to take the next step and submit the finalized information to FEMA for a letter of map amendment to the official floodplain maps. There is an advantage to the developer in doing this because it will affect the flood insurance requirements for any structures built in this area. Roscam encouraged the City to delay action on rezoning this property until the information has been approved. Hanai Shafai from Dream Design International stated that they will do everything possible and everything they know as far as engineers to protect the public, including the neighboring houses, and they will work with city staff to come up with solid recommendations to address all concerns and make sure the safety of the public is protected no matter who the owner is and no matter what the development is. Caron also expressed concern and frustration about the difference in regulations between the City and the County and how the use of the land can be affected. Elkins stated that staff is comfortable with the information presented in the preliminary flood study and recommends that the comprehensive plan amendment be approved. She added that completion of the flood study has been tied to the plat of the subject property which has been continued to April 19, 2004. Kooiker encouraged the Department of Corrections to be pro-active in dealing with concerns of neighboring property owners. He added that people will be opposed to this use, no matter what. He suggested that the DOC and the city partner on public hearings to answer questions and provide information on the program. French stated that it really bothers her that the DOC can override the Planning Commission's decision on this issue if they choose to. Elkins stated that in terms of the legal processes, state law gives authority to the DOC to override a decision by the Rapid City Planning Commission. The only solution to this problem would be a change to state law. Elkins also encouraged the concerned property owners to work with the Department of Corrections and the State of South Dakota. Roll call vote was taken: AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Kriebel and Hadley. Motion to approve the Resolution carried, 8-2.

The Mayor presented No. 04CA006, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 10.390 acre parcel from General Agriculture to Light Industrial with a Planned Light Industrial Development**, located along North Elk Vale 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 10.390 acre parcel from General Agriculture to Light Industrial with a Planned Light Industrial Development, on 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; 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 5th day of April, 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, Kriebel and Partridge; NO: Hadley, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA007, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.696 acre parcel from General Agriculture to Public** on 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. Motion was made by Kooiker, seconded by Rodriguez and carried to deny this item without prejudice.

The Mayor presented No. 04CA008, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public** located along North Elk Vale 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan Amendment to change the future land use designation on a 16.127 acre parcel from General Agriculture to Public, on 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; 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 5th day of April, 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, Murphy, Waugh, Rodriguez, Kroeger and Partridge; NO: French, Kooiker, Hadley and Kriebel; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA009, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 64.333 acre parcel from General Agriculture to Mobile Home Residential with a Planned Residential Development**, located along North Elk Vale Road. The following Resolution was introduced, read and Rodriguez 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 64.333 acre parcel from General Agriculture to Mobile Home Residential with a Planned Residential Development, on 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, 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; 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 5th day of April, 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 Hanks. The following voted AYE: Hanks, Murphy, Waugh, Rodriguez, Kroeger and Partridge; NO: French, Kooiker, Hadley and Kriebel; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA010, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to Adopt the City of Rapid City Bikeway/Walkway Plan**. 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 5th day of April, 2004 to consider an amendment to the Comprehensive Plan to Adopt the City of Rapid City Bikeway/Walkway Plan; 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 5th day of April, 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.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on the following property: 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, a distance of 407.00 feet; thence, second course,

southeasterly, on a curve curving to the right, with a radius of 2467.00 feet, a delta angle of 32°20'53", a length of 1392.82 feet, a chord bearing of N73°49'33"W, and a chord distance of 1374.04 feet, to a point on the east 16th line of Section 25; thence, third course: S00°00'00"W, along the east 1/16th line of Section 25, a distance of 24.15 feet, to the east 1/16th corner of Section 25; thence, fourth course: N90°00'00"W, along the 1/4 line of Section 25, a distance of 924.00 feet; thence, fifth course: S00°00'00"W, a distance of 624.43 feet; thence, sixth course, N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, seventh 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 14.3 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive. (03SV039)

The Mayor presented 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, a distance of 407.00 feet; thence, second course, southeasterly, on a curve curving to the right, with a radius of 2467.00 feet, a delta angle of 32°20'53", a length of 1392.82 feet, a chord bearing of N73°49'33"W, and a chord distance of 1374.04 feet, to a point on the east 16th line of Section 25; thence, third course: S00°00'00"W, along the east 1/16th line of Section 25, a distance of 24.15 feet, to the east 1/16th corner of Section 25; thence, fourth course: N90°00'00"W, along the 1/4 line of Section 25, a distance of 924.00 feet; thence, fifth course: S00°00'00"W, a distance of 624.43 feet; thence, sixth course, N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, seventh 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 14.3 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested variance, with the following stipulations: 1) Upon Preliminary Plat submittal, road construction plans shall be submitted for review and approval identifying that the two streets will be constructed with a minimum 24 foot wide graveled surface; and, 2) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

The Mayor presented No. 04SV008, a request by Gregory and Bonnie Josten for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 34 and 35 of Pinewood Estates, E1/2, NE1/4, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3343 and 3341 Pinewood Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to acknowledge the applicant's withdrawal of this application, without prejudice.

The Mayor presented No. 04SV011, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 15BR and 23RA of Enchanted Hills Subdivision No. 4 located in the S1/2 NW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1R, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lots 15B and 23R of Enchanted Hills Subdivision No.4 located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Lot 1, Block 1 of Eastridge Estates Subdivision located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South

Dakota, located at the extension of Enchantment Road. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested variance.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard along Sheridan Lake Road. (04SV013)

The Mayor presented No. 04SV013, a request by Ferber Engineering Co. for Calvary Lutheran Church for a **Variance to the Subdivision Regulations** to waive the requirement to construct sidewalks on both sides of the street and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1 and 2 of Calvary Lutheran Church Subdivision and dedicated public right-of-way for Sunshine Trail and Sheridan Lake Road located in the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, and 3 of the SE1/4 NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard along Sheridan Lake Road. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the variance to dedicate additional right-of-way and that the variance to waive the requirement to construct sidewalks on both sides of the street be approved with the following stipulations: 1) That a sidewalk be provided along the south side of Sunshine Trail; and, 2) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

The Mayor presented No. 04SV015, a request by Wasteline Inc. for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4 of Block 1, Menard Subdivision, located in the SE1/4 NW1/4 and the NE1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located 1705 East Anamosa Street. Motion was made by Kooiker and seconded by Waugh to approve the Variance to waive the requirement to dedicate additional right-of-way; and deny the Special Exception to the Street Design Criteria Manual to reduce the separation between an approach and an intersection from 230 feet to 75 feet. Hanks abstained from voting on this item. He asked that it be continued until April 19, 2004. Substitute motion was made by Kooiker, seconded by Kroeger and carried to continue this item until April 19, 2004.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on the following property: A portion of Tract T of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of Covington Street, and the Point of Beginning; Thence, first course: S67°24'19"E, along the southerly boundary of said Lot A of Block 16, a distance of 324.26 feet, to the southeasterly corner of said Lot A of Block 16; Thence, second course: N46°30'40"E, along the easterly boundary of said Lot A of Block 16, a distance of 154.00 feet, to the northeasterly corner of said Lot A of Block 16, common to a point on the southerly edge of the right-of-way of Teak Drive; Thence, third course: southeasterly, along the southerly edge of the right-of-way of said Teak Drive, curving to the left on a curve with a radius of 307.84 feet, a delta angle of 20°28'24", an arc length of 110.00 feet, a chord bearing of S53°43'32"E, and a chord distance of 109.42 feet, to a point of tangency; Thence, fourth course: S63°57'44"E, along the southerly edge of the right-of-way of said Teak Drive, a distance of 39.55 feet, to the northwesterly corner of Lot 5 of Block 3 of Ridgeview Place Subdivision; Thence, fifth course: S38°38'57"W, along the westerly boundary of said Lot 5 of Block 3 of Ridgeview Place Subdivision, a distance of 86.16 feet, to the southwesterly corner of said Lot 5 of Block 3, common to the northwesterly corner of Lot B of Block 2 of Ridgeview Place Subdivision; Thence, sixth course:

S38°38'57"W, along the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 332.48 feet, to the southwesterly corner of said Lot B of Block 2, common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; Thence, seventh course: S38°53'52"W, along the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, common to a point on the northerly edge of the right-of-way of SD State Highway 44; Thence, eighth course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of said SD State Highway 44, and said Covington Street; Thence, ninth course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; Thence, tenth course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 17°49'29", an arc length of 186.66 feet, a chord bearing of N31°30'25"E, and chord distance of 185.91 feet, to the southwesterly corner of said Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of said Covington Street, and the Point of Beginning; said parcel contains 4.680 acres more or less, located west of Plateau Lane along Williams Street, Leola Lane and Quad Court. (04SV017)

The Mayor presented No. 04SV017, a request by Sperlich Consulting Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install water, curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on the following property: A portion of Tract T of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of Covington Street, and the Point of Beginning; Thence, first course: S67°24'19"E, along the southerly boundary of said Lot A of Block 16, a distance of 324.26 feet, to the southeasterly corner of said Lot A of Block 16; Thence, second course: N46°30'40"E, along the easterly boundary of said Lot A of Block 16, a distance of 154.00 feet, to the northeasterly corner of said Lot A of Block 16, common to a point on the southerly edge of the right-of-way of Teak Drive; Thence, third course: southeasterly, along the southerly edge of the right-of-way of said Teak Drive, curving to the left on a curve with a radius of 307.84 feet, a delta angle of 20°28'24", an arc length of 110.00 feet, a chord bearing of S53°43'32"E, and a chord distance of 109.42 feet, to a point of tangency; Thence, fourth course: S63°57'44"E, along the southerly edge of the right-of-way of said Teak Drive, a distance of 39.55 feet, to the northwesterly corner of Lot 5 of Block 3 of Ridgeview Place Subdivision; Thence, fifth course: S38°38'57"W, along the westerly boundary of said Lot 5 of Block 3 of Ridgeview Place Subdivision, a distance of 86.16 feet, to the southwesterly corner of said Lot 5 of Block 3, common to the northwesterly corner of Lot B of Block 2 of Ridgeview Place Subdivision; Thence, sixth course: S38°38'57"W, along the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 332.48 feet, to the southwesterly corner of said Lot B of Block 2, common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; Thence, seventh course: S38°53'52"W, along the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, common to a point on the northerly edge of the right-of-way of SD State Highway 44; Thence, eighth course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of said SD State Highway 44, and said Covington Street; Thence, ninth course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; Thence, tenth course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 17°49'29", an arc length of 186.66 feet, a chord bearing of N31°30'25"E, and chord distance of 185.91 feet, to the southwesterly corner of said Lot A of Block 16 of Trailwood Village, common to a point on the easterly edge of the right-of-way of said Covington Street, and the Point of Beginning; said parcel contains 4.680

acres more or less, located west of Plateau Lane along Williams Street, Leola Lane and Quad Court. Motion was made by Kooiker, seconded by Rodriguez and carried to deny the variance request to waive the requirement to install sidewalk and water, and approve the variance to waive the requirements to install curb and gutter, with the following stipulation: 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.

The Mayor presented No. 03VR012, a request by Alvin Ficek for Heartland GMAC Real Estate for Barbara Van Ekeren and Peggy Kelly for a **Vacation of Right-of-Way** on a portion of undeveloped Oriole Drive right-of-way adjoining Lots 2 and 3 in Block 7 and Lots 5 and 6 in Block 8 of Lot A of Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Oriole Drive west of West Boulevard North. Motion was made by Kooiker, seconded by Rodriguez and carried to acknowledge the applicant's withdrawal, without prejudice.

Ordinances & Resolutions

Ordinance 3988 (No. LF100103-24R1) entitled An Ordinance Modifying the Regulation of the Rapid City Economic Development and Civic Improvements Fund by Amending Section 3.16.020 of the Rapid City Municipal Code, having passed the first reading on November 17, 2003, it was moved by Hanks and seconded by Kooiker that the title be read the second time. Substitute motion was made by Hadley and seconded by French to continue this item until April 19, 2004 and direct staff to draft the ordinance without the percentages. Hanks stated that he feels the percentages provide a structure so that when the committees meet, they have some idea of the funding available for their category of projects. He added that the plan and the percentages are flexible because they can be changed by a two-thirds vote of the city council. Partridge stated that he does have concerns about the percentages contained in the ordinance, however it is time to move forward with the ordinance and begin this process. Roll call vote was taken: AYE: French, Waugh and Hadley; NO: Hanks, Kooiker, Murphy, Rodriguez, Kroeger and Partridge. Substitute motion failed, 3-6. Hanks clarified that the original motion is to approve the version of the ordinance which came from the Legal & Finance Committee. He added that the only difference is the requirement for nine committee members rather than eight. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger and Partridge; NO: Kriebel and Hadley; whereupon the Mayor declared the motion passed and read the title of Ordinance 3988 the second time.

Ordinance 4018, Supplemental No. 2 for 2004 (No. LF031004-05), having had the first reading on March 15, 2004, it was moved by Hanks and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4018 was declared duly passed upon its second reading.

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, having passed the first reading on March 15, 2004, it was moved by Hanks and seconded by French that the title be read the second time. Finance Officer Preston noted that the ordinance before the Council at this time includes the additions to Ward 4, Precinct 3 and Ward 1 Precinct 4 as recommended by staff, and places the Hidden Valley annexation area within Ward 5, Precinct 3. 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 4021 was declared passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 04RZ002, second reading of **Ordinance 4026**, a request by Stanley & Durr LLC dba Fjords Ice Cream Factory for a **Rezoning from Medium Density Residential District to Neighborhood Commercial District** on Lots 1 and 2, Mediterranean Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1805 and 1815 38th Street. Notice of hearing was published in the Rapid City on February 21 and February 28, 2004. Ordinance 4026, having had the first reading on February 26, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4026 the second time.

Ordinance 4030 (No. LF033104-22) entitled An Ordinance Modifying the Regulation of Signs within the City of Rapid City by Amending Section 15.28.080 of the Rapid City Municipal Code, was introduced. Motion was made by Hanks and seconded by Kroeger to approve first reading, and set second reading for Monday, April 19, 2004. Upon vote being taken, the motion carried with Kriebel voting no.

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, having passed the first reading on March 15, 2004, it was moved by Hanks and seconded by Kroeger 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 4031 was declared duly passed upon its second reading.

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, having passed the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4032 was declared duly passed upon its second reading.

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, having passed the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4033 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4034, having had the first reading on March 15, 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 duly passed and read the title of Ordinance 4034 the second time.

The Mayor announced the meeting was open for hearing on **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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4035, having had the first reading on March 15, 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 duly passed and read the title of Ordinance 4035 the second time.

The Mayor announced the meeting was open for hearing on **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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4036, having had the first reading on March 15, 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 duly passed and read the title of Ordinance 4036 the second time.

The Mayor announced the meeting was open for hearing on **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: 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. Motion was made by Hanks, seconded by Waugh and carried to deny the rezone request without prejudice, at the applicant's request.

The Mayor announced the meeting was open for hearing on No. 04RZ007, second reading of **Ordinance 4038**, 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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4038, having had the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4038 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ008, second reading of **Ordinance 4039**, a request by Dream Design International, Inc. for a Rezoning from No Use District to General Commercial District on the following property: 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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4039, having had the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4039 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ009, second reading of **Ordinance 4040**, a request by Dream Design International, Inc. for a Rezoning from No Use District to Light Industrial District on the following property: 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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4040, having had the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4040 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ010, second reading of **Ordinance 4041**, a request by Dream Design International, Inc. for a Rezoning from No Use District to Public District on the following property: 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. Motion was made by Hanks, seconded by Rodriguez and carried to deny this application without prejudice.

The Mayor announced the meeting was open for hearing on No. 04RZ011, second reading of **Ordinance 4042**, a request by Dream Design International, Inc. for a Rezoning from No Use District to Public District on the following property: 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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4042, having had the first reading on March 15, 2004, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Murphy, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: French, Kooiker and Kriebel; whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4042 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ012 - Second Reading, **Ordinance 4043**, a request by Dream Design International, Inc. for a Rezoning from No Use District to Mobile Home Residential District on 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, 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. Notice of hearing was published in the Rapid City Journal on March 20 and March 27, 2004. Ordinance 4043, having had the first reading on March 15, 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, Waugh, Rodriguez, and Kroeger; NO: Kooiker, Hadley, Kriebel and Partridge; whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4043 the second time.

Ordinance 4046 (No. 04RZ013) a request by GELD, LLC for a **Rezoning from Low Density Residential District to General Commercial District** on Lot 1, Block 1, GELD Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenues and north of Disk Drive, was introduced. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4046 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 19, 2004 at 7:00 P.M.

Ordinance 4047 (No. 04RZ014) a request by Wyss Associates, Inc. for William DeLorimier for a **Rezoning from General Agriculture District to Office Commercial District** on the following property, was introduced: Beginning from a point 1819.80 feet at a bearing S89°27'22" East from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: travel 164.88 feet at a bearing N45°08'43" East to a point; thence 301.36 feet at a bearing N45°24'39" East to a point; thence travel 210.28 feet at a bearing N54°45'23" East to a point; thence travel 48.86 feet at a bearing S15°57'26" West to a point; thence travel 528.84 feet at a bearing S0°46'13" West to a point; thence travel 282.52 feet at a bearing S75°51'59" West to a point; thence travel along a 437.22 foot radius concave Southeasterly curve with a chord bearing S65°50'42" West, at a chord distance of 404.47 feet to a point; thence travel 27.01 feet at a bearing N54°21'55" West to a point; then travel along a 99.95 foot radius easterly curve with a chord bearing N04°34'14" West a distance of 152.68 feet to a point; then travel 274.08 feet at a bearing N45°11'37" East to the point of beginning; said area contains approximately 5.6 acres, located along Tower Road. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4047 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 19, 2004 at 7:00 P.M.

Ordinance 4048 (No. 04RZ015) a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Rezoning from General Agriculture District to Low Density Residential II District** on the following property, was introduced: Beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, located along Tower Road. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4048 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 19, 2004 at 7:00 P.M.

Ordinance 4049 (No. 04RZ016) a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Rezoning from General Agriculture District to Office Commercial District** on the following property, was introduced: Beginning from the SW corner of the SE 1/4 of Section 11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 foot radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 foot radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; thence travel 81.39 feet at a bearing N36°00'49" East to a point; this is the Point of Beginning; thence travel 35.94 feet at a bearing of N36°18'49" East to a point; thence travel along a 330.29 foot radius Southeasterly curve with a chord bearing N62°48'30" East, at a distance of 343.19 feet to a point; thence travel 11.14 feet at a bearing S08°15'56" West to a point; thence travel 317.84 feet at a bearing S69°5'42" East to a point; thence travel 361.57 feet at a bearing S00°19'15" West to a point; thence travel 140.43 feet at a bearing S46°14'50" West to a point; thence travel 173.7 feet at a bearing N41°26'10" West to a point; thence travel 111.72 feet at a bearing N70°08'07" West to a point; thence travel 60 feet at a bearing N0°20'27" East to a point; thence travel 112.67 feet at a bearing N89°39'33" West to a point; thence travel 103.3 feet at a bearing N33°19'07" West to a point; thence travel 153.21 feet at a bearing N57°34'25" West to the point of beginning; said area contains approximately 4.8 acres, located along Tower Road. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4049 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 19, 2004 at 7:00 P.M.

Ordinance 4050, (No. 04RZ017) a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Rezoning from General Agriculture District to Office Commercial District** on the following property, was introduced: Beginning from the SW corner of the SE1/4 of Section

11, T1N, R7E, BHM; travel 235.68 feet at a bearing N0°21'00" East to a point; thence travel along a 398.07 radius concave Northwesterly curve with a chord bearing N47°53'49" East, at a chord distance of 499.5 feet to a point; thence travel 106.52 feet at a bearing N07°07'14" East to a point; then travel along a 319.57 foot radius concave Southeasterly curve with a chord bearing N61°26'27" East at a chord distance of 519.17 feet to a point; then travel along a 390.57 foot radius concave Southwesterly curve with a chord bearing S47°12'05" East at a chord distance of 228.86 feet to a point; then travel along a 319.71 feet radius concave Northeasterly curve with a chord bearing S59°15'23" East, at a chord distance of 209.9 feet to a point; then travel 168.12 feet at a bearing S81°57'45" East to a point to a point; then travel along a 266.67 foot radius concave Northwesterly curve with a chord bearing N60°59'38" East, at a chord distance of 321.30 feet to a point; then travel 81.39 feet at a bearing N36°20'49" East to a point; then travel 153.21 feet at a bearing S57°34'25" East to a point; then travel 103.30 feet at a bearing S33°19'07" East to a point; then travel 112.51 feet at a bearing S89°39'33" East to a point; then travel 60.0 feet at a bearing S00°11'26" West to a point; then travel 111.72 feet at a bearing S70°08'07" East to a point; then travel 173.70 feet at a bearing S41°26'10" East to a point; then travel 254.17 feet at a bearing S00°38'41" West to a point; then travel 144.79 feet at a bearing S31°48'32" West to a point; then travel 129.59 feet at a bearing S40°32'04" East to a point; then travel 2208.76 feet at a bearing N89°39'00" West to the point of beginning; said area contains approximately 34.6 acres, located along Tower Road. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4050 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 19, 2004 at 7:00 P.M.

Ordinance 4051 (No. 04RZ018) a request by Franklin Simpson for Fountain Springs Development for a **Rezoning from General Agriculture District to Light Industrial District** on the following property, was introduced: A parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4051 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 19, 2004 at 7:00 P.M.

Ordinance 4052 (No. 04RZ019) a request by Dream Design International, Inc. for a **Rezoning from No Use District to Flood Hazard** 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. Motion was made by Hanks and seconded by

Rodriguez to approve first reading of Ordinance 4052, and set second reading for Monday, April 19, 2004 at 7:00 P.M. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Partridge; NO: French, Kooiker, Hadley and Kriebel. The motion carried, 5-4, however ordinances require at least six affirmative votes. Therefore, first reading of Ordinance 4052 was not approved. (Secretary's Note: Additional action was taken on this item at the end of the meeting.)

Legal & Finance Committee Items

Motion was made by Hanks and seconded by Kooiker to request staff to prepare an ordinance for implementation of a requirement for the Planning Commission to ask applicants if they want action on an item/**require Planning Commission** to take action on item if requested by applicant, implementation of an appeals process for continuations by Planning Commission, and designation of planned development designations without notification. Hanks stated that he feels the designation of a PDD without notification is fine, however, he has reservations about the remaining items. If an applicant can demand a vote on an item and all the requested information has not been submitted, this could create instances where developers are trying to side-step the Planning Commission. City Attorney Jason Green submitted a list of pros and cons for each of the directions to the Planning Commission. He urged the Council to be wary of how these modifications will affect the process. Substitute motion was made by Hanks and seconded by Partridge to direct staff to prepare an ordinance relative to PDD designations without notification, and send the two remaining issues back to the Legal & Finance Committee for further discussion. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Kooiker to request staff to prepare an ordinance setting forth that any request for adjustment beyond the established step and grade would come before the Council for authorization. Partridge stated that he feels this action will slow the process for hiring individuals. Kooiker stated that he feels it makes sense to have a system of checks and balances. He feels the council should be notified of requests for an adjustment beyond the established step and grade and this will make sure that the stability of the compensation plan, as implemented, is maintained. Motion was made by Murphy and seconded by Partridge to table this item. Roll call vote was taken: AYE: Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Hanks, French, Kooiker, Hadley and Kriebel. Mayor Shaw voted AYE to break the tie and the issue was tabled.

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. LF033104-10 – Authorize the Mayor and Finance Officer to sign Letter of Agreement with United Spinal Association In-House Training on Accessibility for Design Professionals.

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

RESOLUTION TO ESTABLISH STAFFING IN THE PARKS AND RECREATION DEPARTMENT

WHEREAS, effective August 15, 2003, a new department, the Department of Parks and Recreation and the position of Director of Parks and Recreation was created; and

WHEREAS, on October 6, 2003, a new position of Director of Parks and Recreation was established in the Non-union compensation system; and

WHEREAS, additional staffing is necessary to provide the services in the newly established Department of Parks and Recreation;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase of two full-time equivalent (FTE) positions for the remainder of the 2004 fiscal year.

Dated this 5th day of April, 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, Rodriguez, Waugh, Kroeger and Partridge; NO: Kooiker, Hadley and Kriebel; whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks and seconded by Rodriguez to approve No. CC040504-05 - Resolution Acknowledging Charitable Donation of Land to the City of Rapid City from Stoneridge, LLC and for Lazy P-6 Land Company, Inc. City Attorney Green suggested that this item be continued to the same meeting as the bid award for the Fifth Street Extension project. Substitute motion was made by Rodriguez and seconded by Partridge to continue this item until April 19, 2004. Substitute motion was made by Kooiker and seconded by Waugh to take this item to a special City Council meeting to be held on Tuesday, April 13, 2004 at 1:15 P.M. prior to the Public Works Committee meeting. Upon vote being taken, the motion carried with Partridge and Hadley voting no.

Motion was made by Hanks and seconded by Kroeger to send No. CC040504-06 - Quit Claim Deeds with Stoneridge, LLC and Lazy P-6 Land Company, Inc. to a special City Council meeting to be held on Tuesday, April 13, 2004 at 1:15 P.M. Upon vote being taken, the motion carried with Partridge and Hadley voting no.

Motion was made by Rodriguez, seconded by Waugh and carried to continue the bid award for Fifth Street Extension Project ST00-914 & Catron Boulevard (Highway 16B Fifth Street Intersection Project ST01-1095, to a special Council Meeting to be held on Tuesday, April 13, 2004 at 1:15 P.M.

Public Works Committee Items

Motion was made by Kooiker, seconded by Hadley and carried to refer the recommendation from the Planning Commission to complete improvements on Enchantment Road to the Public Works Committee for consideration.

Motion was made by Kooiker, seconded by Hanks and carried to continue No. 04FV002 - **Fence Height Exception** for petitioner Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien to allow a six to eight foot high fence within the required 25 foot front yard setback, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive, to the City Council meeting scheduled for April 19, 2004.

CIP Committee Items

Motion was made by Rodriguez, seconded by Waugh and carried to approve No. CC040504-02 - Carry Forward \$4,700 in CIP Funds for the Skateboard Park lighting project and \$11,049 for the Fiber Optics Reroute project.

Motion was made by Rodriguez, seconded by Waugh and carried to approve No. CC040504-02 - Allocate \$72,000 from the 2005 CIP Government Buildings Line Item for Roof Replacement at the Main Fire Station and \$20,000 in 2006 from the Government Buildings Line Item for roof replacement at the Fairmont Fire Station.

Motion was made by Rodriguez, seconded by Waugh and carried to approve No. CC040504-02 – Approve the Parks & Recreation reallocation of \$60,000 for College Park Irrigation and request that the Parks & Rec Committee bring more information to the CIP Committee in regard to the Rushmore Little League reallocation proposal.

Reconsideration

Motion was made by Kooiker and seconded by Rodriguez to reconsider the action taken earlier in this meeting relative to Agenda Item No. 153, First Reading of Ordinance 4052 rezoning property located along North Elk Vale Road. Upon vote being taken, the motion carried

Kooiker noted that the proposed rezoning of Flood Hazard is the most restrictive zoning district and it makes sense to zone this property accordingly. Motion was made by Kooiker and seconded by Rodriguez to approve first reading of **Ordinance 4052**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Flood Hazard** on the following property: 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. Kriebel stated that if the city can be superceded by the Department of Corrections, he doesn't see any point in enabling or cooperating with them. Upon vote being taken, the motion carried with Kriebel and Hadley voting no. Second reading will be held on April 19, 2004.

Approval of Bills

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

Payroll Paid Ending 03-20-04, Paid 03-26-04	644,873.68
Payroll Paid Ending 03-31-04, Paid 03-31-04	1,007,403.81
Payroll Paid Ending 03-20-04, Paid 03-26-04	1,580.80
Pioneer Bank, Taxes Paid 03-26-04	153,899.43
Pioneer Bank, Taxes Paid 03-31-04	248,990.67
Pioneer Bank, Taxes Paid 03-26-04	119.78
First Administrators, claims paid 3-17-04	48,034.83
First Administrators, claims paid 3-24-04	54,214.00
First Administrators, claims paid 3-31-04	57,110.53
Dell Marketing, LP, grant, laptops	1,286.34
Pennington County Auditor, PSB construction	154,434.87
Wells Fargo Corporate Card, credit card charges	1,132.14
BH Power & Light, electricity	116,932.34

MDU, natural gas	5,309.83
Computer Bill List	<u>1,345,637.72</u>
Total	\$3,840,960.77

Payroll Paid Ending 03-20-04, Paid 03-26-04	2,740.80
Pioneer Bank, Taxes Paid 3-26-04	202.23
Black Hills Agency, bond	3.92
City of Rapid City, postage	6.96
Marlin Leasing, copier lease	13.03
Philfleet Advantage, gasoline	211.26
SD Executive Management Finance, telephone	5.77
Angie Weeks, mileage	<u>49.44</u>
Total	\$3,844,194.18

<u>Treasurers Checks</u>	
Rapid City Economic Development, 2004 subsidy	<u>56,250.00</u>
Total	\$3,900,444.18

The motion to approve the bill list was seconded by Waugh. Roll call vote was taken: AYE: Hanks, Murphy, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: French, Kooiker and Kriebel; whereupon the Mayor declared the motion passed.

Executive Session

Motion was made by Hadley, seconded by Rodriguez and carried to go into executive session to discuss pending litigation. The Council came out of executive session and no further action was taken.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:00 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)