

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 19, 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 19, 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 and Rick Kriebel. The following Alderpersons arrived during the course of the meeting: Ray Hadley; and the following were absent: Jeff Partridge.

Staff members present included Finance Officer Jim Preston, Growth Management Director Marcia Elkins, City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Hanks, seconded by Hadley and carried to approve the minutes of April 5, 2004.

Approval of the Agenda

The following changes were made to the agenda:

- Add Travel Request for the Police Department
- Add Drainage through the Fairgrounds under Alderperson Items
- Add Discussion on Property Taxes – Hanks
- Add Discussion on Pay Matrix – Hanks
- Add Executive Session for pending litigation
- Add City Council Policies & Procedures – Roberts Rules of Order – Kriebel

Motion was made by Rodriguez, seconded by Kooiker and carried to approve the agenda, as amended.

Employee Awards

Mayor Shaw presented a Certificate of Recognition to Captain Chris Grant who is retiring after 27 years of service at the Police Department.

Shaw also presented the Certificates of Recognition to the following city employees for their long-term service to the city: Louis Lange, 20 years; Keith Blashill, 30 years; Mike Roesler, 25 years.

Alderman Hadley entered the meeting at this time.

Public Comment

Rick Kriebel presented information to the Council relative to Roberts Rules of Order and tabling motions. The object of a tabling motion is to allow the assembly to attend to more urgent business and to lay aside the pending question in such a way that its consideration may be resumed at the will of the assembly as easily as if it were a new question. The motion is not debatable and requires only a majority vote. Kriebel urged the Council to resist using tabling motions to suppress discussion or voting on an issue.

Bid Openings

The following companies submitted bids for No. CC041904-01 – **LaCrosse Street Panel Repairs Project** STCM04-1369 which were opened on April 14, 2003:

| | | |
|----|--|-------------|
| 1) | Simon Contractors (bond submitted) | \$42,136.00 |
| 2) | Tru-Form Construction (bond submitted) | \$44,952.50 |
| 3) | JV Bailey Company (bond submitted) | \$54,912.00 |

Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for STCM04-1369 to Simon Contractors of South Dakota, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$42,136.

Council Member Items

The next item discussed by the council was a request that the Department of Corrections and the City hold a public information meeting regarding the proposed facility on Elk Vale Road. Alderman Kooiker explained that Secretary Reisch from the Department of Corrections will be available to attend the Council meeting on May 3rd and present information at that time. Rodriguez suggested that this information meeting be held earlier in the evening prior to the regular council meeting. Kooiker stated that he feels this would be a good idea if Secretary Reisch is able to attend earlier. Mayor Shaw stated that they will provide appropriate notification to the public on the time established for this meeting.

Acting Public Works Director Ted Vore submitted an agreement between the City and Pennington County to provide funding for the **drainage project** being done at the Fairgrounds. Vore explained that the city and county have been working on this drainage problem which originates on the north side of Centre Street and runs across the fairgrounds. Two previous meetings with the County Commissioners have indicated that the county will be responsible for the historical flows and the city will be responsible for the development flows. The county intends to put in a culvert across their property to take care of the historical flows. The city will be responsible for the development flows which will flow across the top of the culvert in a drainage channel. The County has received bids for this project which indicate the city's portion of the project is \$24,607 and the county would be responsible for \$79,265. The County has submitted a letter asking the city to participate in the cost of paving the drainage channel. The city had initially intended to grass the area and not provide a hard surface, however, the County Commission wants to pave the area. County Highway Superintendent Hiene Junge explained that swale of the drainage channel will be a foot and a half lower than the current elevation of the ground. Currently, the county has access all over the property. By putting a soil in the channel, it will limit access to certain areas during wet periods. Parking will be limited during a rain event and they will not have access to all of the property. If a hard surface is put in the channel, it will be usable throughout the year for overflow parking. The additional cost for paving would bring the city's contribution to \$34,288. Vore stated that the County would like to award the bid for this project on April 27, 2004 and is requesting that the City council take action tonight. Hanks stated that he is not aware of any discussions relative to the city participating in the cost of hard surfacing this area. Kroeger stated that drainage has been a concern on the fairground property for many years and the project has evolved over the years. He added that if the city works with the county on this project, he would hope the county will work with the city when the major issue on the west end of the drainage area is taken care of. Junge indicated he would relay these comments to the County Commission. Engineering Division Manager Coon noted that there is \$60,000 available for this project in the 2004 Streets & Drainage CIP line item. That funding was identified for the swale across the fairgrounds and a box culvert under Centre Street. If additional costs are added to the city's portion of this project, he may need to request additional funding in the future for the second phase of the project. Motion was made by Hadley and seconded by Waugh to

authorize the Mayor and Finance Officer to sign Agreement No. 042004(1) with Pennington County allocating funding in the amount of \$34,288.60 for the Pennington County Fairgrounds Drainage Project. Upon vote being taken, the motion carried with Hanks voting no.

The next item discussed by the Council was the process of automatically including the allowable increase in property taxes in the budget. Hanks stated that there has been some discussion in the past as far as how the city should approach **property taxes within our budget process**. The dollar amount associated with property taxes was about \$8 million in 2002, \$8.5 million in 2003 and over \$9 million for 2004. Hanks encouraged the Council to identify the need for the increase in property taxes prior to including it in the budget. Motion was made by Hanks and seconded by Kooiker that prior to the budgetary process, the city will use the base figure from the previous year to establish the next year's budget, and that prior to asking for an increase in the mill levy, the city will identify the need within the budget. Hanks explained that it is his intent that the Council determine the need prior to it being included in any budget proposals. Hanks added that it is not his intent to tie the hands of the Council, but he feels it is responsible that the need be identified instead of automatically including it within the budgeting process. Preston asked if this would include the increase due to growth. Hanks stated that it would. Preston stated that this issue was presented several weeks ago and his understanding was that it would be discussed at the meetings with the Council so that the needs and the revenue could be discussed at the same time. Mayor Shaw explained that he is going to take a different approach to the budgeting process for 2005. The Finance Office and the departments are currently preparing the preliminary budgets which will be presented at informal hearings with the council. Essentially, during the month of May, the Council, the Mayor, the department heads and the finance office will have these discussions and then a determination can be made on the increase in property taxes. Kooiker stated that he feels Alderman Hanks' motion compliments the informal process that we are looking at. It is appropriate to have a separate discussion about the revenue stream versus the budget needs. Kooiker added that the way the process is set out now, it is virtually impossible to cut property taxes or even suggest reducing the mill levy because by the time the budget rolls around, the money has already been allocated and that makes it very difficult from a policy making point of view to make any changes. Murphy spoke in favor of the motion but added that this action will not affect the taxes levied by the School District and the County. There will not be a noticeable difference on the property tax bills for residents of the city. Shaw explained that Sioux Falls did something similar to this several years ago. State law says if the city doesn't take the maximum increase, it cannot be recaptured for use in a future year. To accommodate that, Sioux Falls took the full amount but then offered a rebate which was based on budgetary considerations. Unfortunately, the program ended when budgets got tight and the funding was needed to provide services. Upon vote being taken, the motion carried unanimously.

Hanks also brought up a discussion relative to the **City's Pay Matrix** and who has the ability to hire new employees above a Grade A. There is an interpretation by the City Attorney that since there is nothing established in state statute or city ordinance, the Mayor, being the chief executive of the city, has the ability to place somebody higher than Grade A on the matrix. Hanks stated that he feels this puts the Mayor in a tough position. While this provides more flexibility, it also puts him in a very uncomfortable position as far as hiring somebody and placing them above other individuals within the City at the same grade. The city does have a separation of power where the Mayor, as the head administrator, acts as a governor, and the city council acts as the legislature. The city council holds the purse strings, adopts the pay matrixes, and adopts the budgets. The city council authorizes the hiring of additional staff and yet the Mayor is in a position where he has to determine where to put that person on the pay matrix. Hanks stated that he feels makes sense that the city council should be the entity making that determination. City Attorney Green concurred with Hanks assessment. There is no state law or city ordinance that says the council determines the pay of every city employee. So in the absence of specific authority to the contrary, you would default to the

provision that says the Mayor is the CEO of the city. Given that, the Council certainly could adopt policies or ordinances to provide that guidance, but in the absence thereof, it is appropriate that the Mayor makes those decisions. Motion was made by Hanks and seconded by Kooiker that prior to placing any new employee above a grade A, the Mayor shall seek approval of the city council or confer with the city council. Kriebel spoke in favor of the motion noting an incident that happened where a position opening was posted at a certain salary. Some city employees did not apply for the job because of the posted pay schedule. When an individual was hired for the job, the salary was dramatically increased. If there is going to be flexibility in the salary for a position, that should be noted so that everyone has the information. Kriebel added that the salary for the position was subsequently reduced to the amount listed on the posting. Kriebel stated that it would behoove us to be fair to all city employees which is the premise of the whole matrix. The City should have a lot of reverence for it if we're going to maintain any kind of fairness and so that we don't have salaries for newly hired people passing current employees up. Kooiker stated that the pay matrix is intended to prevent wage decisions that others might see as arbitrary. It is a scale and therefore moving people beyond Step A of the established grade is not something that should be done lightly. Kooiker stated that he feels the motion on the floor is good policy. Murphy stated that he has a problem with the council getting into management and decision making that should be made by city staff. Decisions relative to pay steps, job descriptions and information pertaining to human resources should be handled by the human resource director who has knowledge and skill in that department. Rodriguez stated that the city council members are not at city hall full time and if the Mayor has a chance to hire someone who is qualified and will put the best interests of Rapid City forward, that should be allowed. If he has to come to the City Council for approval, we could lose good candidates to other companies. Rodriguez added that the City has a human resources director and a personnel department and they should be working with the Mayor to make these decisions. French stated that she feels the motion on the floor is a good one and she didn't take it that it was a negative, or that there was not a trust factor. This action will build unity and increase communication and those are things that we all are striving to do. She asked if Hanks envisioned that action on this type of action would be a simple majority vote. Hanks concurred. Finance Officer Preston stated that he feels this action will tie the hands of the Mayor and restrict his ability to make good decisions as far as hiring the best person for the job. If the city is not able to hire the best person for the job, it would be a case of penny wise and pound foolish. Currently, under the guidance that has been set, typically, the Mayor could hire up to Step D which is four steps, if the experience, education and qualifications merited that type of hiring. It has only happened four times out of all the people we have hired since the matrix was established. Preston stated that he feels the Mayor needs the flexibility. Sometimes the best qualified person just needs that little bit extra, so, I guess I feel it takes away the flexibility and is not good for the City of Rapid City. Kroeger spoke against the motion. Although the idea might sound good, it will make hiring the best people more difficult. He added that this has only happened four times since the pay matrix was adopted and the Mayor does not do it lightly. Kroeger added that the interview process is expensive and if the Mayor wants to offer a candidate an additional \$2,000 a year in an attempt to hire him, that is nothing compared to not hiring anyone and going through the process again. Mayor Shaw explained that the authority to hire above Step A was the result of a conference call between city staff and Steve Condrey who is the author of the pay matrix. The conference call was prompted because there was concern about the lack of qualified applicants for city positions. Condrey suggested that the flexibility be within the first four steps which is what the city is doing at the present time. Shaw welcomed any direction from the Council on this issue. Preston added that the position advertisement was modified to state the starting salary and that additional wage may be granted for experience, education and qualifications. This does give the city a little more flexibility. Waugh stated that he has sat on interview boards not only at the city government level but in the business community also. It is very expensive process and he noted that this action will tie the Mayor's hands, especially when there are controls that it will go no further than Step D. Kooiker asked when this change to the pay matrix was approved by the Council. Preston noted that it was done administratively. Kooiker stated that

he feels this action is a good protection for the Mayor, the Finance Officer, the Council, for the taxpayers, for our budget and for the City's compensation plan. Shaw stated that if this is the decision of the council, that's fine, however, at a future time we might want to discuss if there should be some flexibility in the compensation plan. Murphy stated that the simplest thing to do would be to pass a motion authorizing a certain step level that cannot be exceeded without council authorization. Roll call vote was taken: AYE: Hanks, French, Kooiker, Hadley and Kriebel; NO: Murphy, Rodriguez, Waugh and Kroeger. Motion carried, 5-4.

Continued Items Consent Calendar

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

7. 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.

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

Continue the following items until May 3, 2004:

5. 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.
6. 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.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.

16. 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.
17. No. 04CA012 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 13.06 acre parcel from Residential to Low Density Residential II with a Planned Residential Development** on property described by metes and bounds as from a point beginning 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.

18. No. 04CA013 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.8 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as 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.
19. No. 04CA016 - 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 Flood Hazard** 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.
20. 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.

21. 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. (Secretary's Note: Additional action taken later in the meeting.)
22. 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.
23. 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 P.R.D. 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.
24. 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.
25. No. 04PL036 - A request by Franklin Simpson for Fountain Springs Development for a **Layout and Preliminary Plat** on Tract N of the Fountain Springs Business Park located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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 N. Plaza Drive and South Plaza Drive.
26. No. 04PL039 - A request by Ferber Engineering Company, Inc. for Cregut Inc. for a **Preliminary Plat** on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located at 7800 Alberta Drive.
27. No. 04RZ015 – Second Reading, **Ordinance 4048**, 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 property described by metes and bounds from a point beginning 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.

28. No. 04RZ016 - Second Reading, **Ordinance 4049**, a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds as 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.
29. No. 04SV004 - A request by Sperlich Consulting, Inc. for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer, pavement and to dedicate right-of-way along a collector street and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line between to Sections 27 and 34, common to the northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; Thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the

statutory section line right-of-way, and common with the westerly edge of 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 Sections 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; Thence, fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; Thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; Thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between to Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.000 acres more or less; and, a portion of Tract 2 of Pioneer Subdivision, and a portion of the W1/2 of the NE1/4 of Section 34, located in the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; More fully described as follows: Commencing at northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; Thence, first course: N89°52'3"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 48.99 feet; Thence, second course: southwesterly, curving to the left on a curve with a radius of 960.00 feet, a delta angle of 18°22'16", an arc length of 307.81 feet, a chord bearing of S09°23'33"W, and a chord distance of 306.49 feet, to a point of tangency; Thence, third course: S00°12'25"W, a distance of 108.82 feet; Thence, fourth course: S89°53'10"W, a distance of 80.00 feet; Thence, fifth course: N00°12'25"E, a distance of 109.26 feet; Thence, sixth course: northeasterly, curving to the right on a curve with a radius of 1040.00 feet, a delta angle of 16°53'09", an arc length of 306.50 feet, a chord bearing of N08°38'59"E, and a chord distance of 305.39 feet, to a point on the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition; Thence, seventh course: N89°52'53"E, along the Section Line common to Sections 27 and 34, common with the southerly boundary of Lot 5 of Godfrey Addition, a distance of 35.10 feet to the northwesterly corner of said Tract 2 of Pioneer Subdivision, common to a point on the southerly boundary of Lot 5 of Godfrey Addition, and the Point of Beginning; said parcel 0.764 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.

30. 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.

31. 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.
32. 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.
33. 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 (SW $\frac{1}{4}$) of Section Fifteen (15), T1N, 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 (SW $\frac{1}{4}$) of Section Fifteen (15), T1N, 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 (NW¼) of the Southwest One Quarter (SW¼) of Section Fifteen (15), T1N, 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 PRD, 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.

34. No. 04SV018 - A request by Gary and Donna Kluthe for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9425 Sheridan Lake Road.
35. No. 04SV019 - A request by Franklin Simpson for Fountain Springs Development for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk as per Chapter 16.16 of the Rapid City Municipal Code** on on 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 N. Plaza Drive and South Plaza Drive.

- 36. No. 04SV020 - A request by Ferber Engineering Company, Inc. for Cregut Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along a section line highway; and, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located at 7800 Alberta Drive.

Continue the following items until May 17, 2004:

- 37. No. 04RZ018 - Second Reading, **Ordinance 4051**, a request by Franklin Simpson for Fountain Springs Development for a **Rezoning from General Agriculture District to Light Industrial District** on on 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 N. Plaza Drive and South Plaza Drive.

End of Continued Items Consent Calendar

The Mayor presented No. 03PL042, a request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** located west of the intersection of Pluto Drive and Reservoir Road. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village (formerly 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, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood

Village (formerly 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, 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 19th 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. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; 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 **Black Hills Heritage Festival**, for a Special Malt Beverage License to be used July 1, 2004 through July 4, 2004 in Memorial Park. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of **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). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of **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. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of South Dakota Popcorn Company, Inc. dba **Dakota's Best**, 445 Mt. Rushmore Road, for an Off-Sale Liquor License (New License – No Video Lottery). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

Upon motion made by Hanks, seconded by Murphy and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, May 3, 2004:

42. Rapid City Arts Council, Inc. dba **Dahl Arts Center**, 713 Seventh Street, for a Special Malt Beverage and Wine License to be used on May 16, 2004
43. C&C, LLC dba **Schlotzsky's Sandwich Café**, 2520 W. Main Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)
44. C&C, LLC dba **Schlotzsky's Sandwich Café**, 1375 N. LaCrosse Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)
45. C&C, LLC dba **Schlotzsky's Sandwich Café**, 1375 N. LaCrosse Street, for an On-Sale Wine License (New License – No Video Lottery)
46. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage & Wine License to be used on June 8, 2004 at Storybook Island, 1301 Sheridan Lake Road

Motion was made by Hanks, seconded by Waugh and carried to reconsider Item No. 21 which was approved on the Consent Calendar.

The Mayor presented 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. Brenda Whiting stated that the Council's action to hold an information meeting scheduled for May 3rd with the Department of Corrections, and continuing these items to that date does address her concern. Motion was made by Hanks, seconded by Murphy and carried to continue No. 04PL020 until May 3, 2004.

Consent Calendar Items – 47-90

The following items were removed from the Consent Calendar:

- 57. No. 04TP006 Authorize Staff to Advertise a Request for Proposals for the Minnesota Street Corridor Extension
- 62. Request staff to provide the agendas and all attachments for the June 29, 2004, Public Works meeting, the June 30, 2004, Legal and Finance Committee meeting, and the July 6, 2004, Council meeting to the newly elected incoming officials.
- 72. No. LF041404-14 – Authorize Mayor and Finance Officer to sign AEA Host Confirmation.

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

Set for Hearing (June 7, 2004)

- 47. No. 04VR001 - A request by Daniel Klein, Geiger Architecture, for Mark Treadwell for a Vacation of Right-of-Way on the east 15 feet of Cherry Street right-of-way adjoining Tracts A and E in Block 1 of Feigel Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located east of Cherry Street between East North Street and East Watertown Street.

Public Works Committee Consent Items

- 48. Approve the Water Conservation Measures for 2004 to begin May 1, 2004 until September 30, 2004.
- 49. No. PW041304-01 Approve the bid award of Whitehead Ballfields Improvements Restroom & Picnic Shelter Project No. PR04-1332 to Tru-Form Construction, Inc., the lowest responsible bidder meeting specifications, for the low unit prices bid for a total contract amount of \$134,021.61
- 50. No. PW041304-02 Approve Change Order No. 02 and final for Highway 16 Water Main Extension Project No. W01-1159 to Mainline Contracting, Inc. for an increase of \$880.00
- 51. No. PW041304-03 Authorize staff to advertise for bids for Waterloo & Jackson Streets Water Main Loop Project No. W04-1377
- 52. No. PW041304-04 Authorize staff to advertise for bids for Transportation Natural Gas for City of Rapid City and Rapid City Area Schools
- 53. No. PW041304-05 Authorize Mayor and Finance Officer to sign a Permanent Utility Easement with Black Hills Power, Inc.
- 54. No. PW041304-06 Approve Out-of-the-Dust funds in the amount of \$8,500 to pave a portion of an alley in Block 25, South Boulevard Addition located between Mount Rushmore Road and 7th Street from Meade Street to Indiana Street
- 55. No. 04SV011 Approve the recommendation from Planning Commission to complete improvements on Enchantment Road
- 56. No. 04TP005 Acknowledge the report on the 2004-2008 Transit Development Plan Update
- 58. No. 04VE006 - Approve with stipulations a Vacation of Easement for Davis Engineering Inc. for Jerry and Therese Shoener, located at 4012 Clover Street:

RESOLUTION OF VACATION OF
UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that a utility and minor drainage easement on Tract C of South Meadowwood Subdivision except a strip of land 10 feet in width running parallel to the westerly boundary line of said Tract C, and also except the east 145 feet of said Tract C, SW1/4 of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4012 Clover Street, is not needed for public purposes; and

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

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

Dated this 19th day of April, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 59. No. 04VE004 - Approve a Vacation of an Access Easement and Minor Drainage and Utility Easement for Dream Design International, Inc. located at 5255 Sheridan Lake Road:

RESOLUTION OF VACATION OF
ACCESS EASEMENT AND UTILITY
AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that the access easement and utility and minor drainage easement on Lot 2 of Autumn Hills Plaza Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5255 Sheridan Lake Road, is not needed for public purposes; and

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

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

Dated this 19th day of April, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 60. No. 04VE007 - Approve with stipulations a Vacation of an Access, Reservoir and Well Easement for Thurston Design Group, LLP for Dr. John Herlihy located at 4560 South Glenview Place:

**RESOLUTION OF VACATION OF AN
ACCESS, RESERVOIR AND WELL EASEMENT**

WHEREAS it appears that an access, reservoir and well easement on Lot 5R, Block 4, Carriage Hills Subdivision, SW1/4 of Section 16 and the SE1/4 of Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4560 South Glenview Place, is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said access, reservoir and well easement to be vacated and released;

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

Dated this 19th day of April, 2004.

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| <p>ATTEST: s/ James F. Preston Finance Officer (SEAL)</p> | <p>CITY OF RAPID CITY s/ Jim Shaw, Mayor</p> |
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Legal & Finance Committee Consent Items

- 61. No. LF041404-01 – Direct the City Attorney’s Office to prepare an ordinance amendment to allow two hour parking at 924 and 926 Quincy Street.
- 63. No. LF041404-03 – Authorize Mayor and Finance Officer to Sign three Agreements with Global Rights Group for exclusive copyright permissions.
- 64. No. LF041404-05 – Approve travel request for Bimende Malik to attend ArcSDE Administration for SQL Server in Broomfield, CO, June 7-11, 2004, in an amount not to exceed \$2,957.26.
- 65. No. LF041404-07 – Authorize Mayor and Finance Officer to sign Petition to Vacate a 20 foot wide alley in Block 31 Hunts Subdivision.
- 66. No. LF041404-09 – 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:

Growth Management Department
Gateway Monitor EV700, SN M154IB766854
Express CPU, Inv. No. 13140 & 13229
Panasonic Dot Matrix Printer, SN 6HMBVF62897
Voltage Regulator Model 600
Kroy Label Maker, Inv. No. 6881

Eveready Battery Charger
 Handheld Logitech ScanMan, Inv. No. 13892
 GBC Binder, Inv. No. 10952
 Keyboard Trays (2)
 Printer Stands (2)
 Drafting Table Lamps (3)
 Paper Trays (miscellaneous)

Parks Division

Area lighting – Canyon Lake Park, Inv. No. 00479

Engineering

Autocad Software, Inv. No. 13126

Finance Department

HP Disk Storage Subsystem, Inv. No. 15259 & 15260
 HP Model 2345A DTC, Inv. No. 13981
 HP 3000 Series 918 Computer System, Inv. No. 15225
 DTC With Racking Rails and Thinlan Connection, Inv. No. 14692 & 14693
 HP Advanced Stack Router – J2430A, Inv. N o. 15279

Golf Division

Heat & Air System – restaurant, Inv. No. 18133

Library

Dell File Server, Inv. No. 18579

Police Department

(203) 2001 Ford Crown Victoria, VIN 2FAFP71WX1X164740
 (211) 2001 Ford Crown Victoria, VIN 2FAFP71W31X164739
 (292) 2000 Ford Crown Victoria, VIN 2FAFP71W8YX210852
 (302) 1998 Ford Crown Victoria, VIN 2FAFP71W1WX126238
 (303) 1998 Ford Crown Victoria, VIN 2FAFP71W1WX126240
 (352) 1994 Ford Club Van, VIN 1FBHE31H4RHC11067
 (410) 1993 Dodge Spirit, VIN 1B3XA46Z5PF608434
 (413) 1997 Ford Crown Victoria, VIN 2FALP71W0VX150600

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 19th day of April, 2004.

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

CITY OF RAPID CITY
 s/ Jim Shaw, Mayor

- 67. No. LF041404-10 – Approve Resolution setting forth April 24, 2004, as Rapid City clean-up day.
- 68. No. LF041404-11 – Approve Resolution Calling for the Redemption of the Outstanding Economic Development Revenue Bonds (Black Hills Special Services Foundation/Youth and Family Services, Inc.).

RESOLUTION CALLING FOR THE REDEMPTION OF

THE OUTSTANDING
ECONOMIC DEVELOPMENT REVENUE BONDS
(Black Hills Special Services Foundation / Youth and Family Services, Inc.)

WHEREAS:

A. The City Council of the City of Rapid City, South Dakota issued \$1,000,000 Economic Development Revenue Bonds of 1994, dated March 1, 1994; and

B. All of said bonds maturing on March 1, 2001 inclusive and thereafter, are subject to redemption, in whole or in part, in inverse order of maturity at the option of the City on March 1, 2000, and on any date thereafter at par, plus accrued interest, all as provided in the resolution of the City authorizing the issuance of said bonds; and

C. The City deems it desirable and in the best interest of the City to call \$630,000 of the outstanding bonds maturing in the years 2005 to 2014, inclusive, for redemption on May 24th, 2004 in accordance with said resolution authorizing the issuance of said bonds, and

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

1. \$630,000 of the Economic Development Revenue Bonds, dated March 1st, 1994, of the City of Rapid City, South Dakota, maturing in the years 2005 to 2014, inclusive, shall be redeemed and prepaid on May 24th, 2004 of their principal amount plus accrued interest for each such bond called.

2. The City Finance Officer is hereby authorized and directed to give mailed notice of call to the bank where said bonds are payable and said bank shall provide such notice to the holders of the bonds as may be required by law. Said notice shall be in substantially the following form:

Dated this 19th day of April, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

69. No. LF041404-12 – Approve travel request for Chris Holbrook and Chad Strobel to attend Mandatory Training for Designation as Certified Defensive Driving Instructors through National Safety Council in St. Paul, Minnesota, from May 18-21, 2004, in the approximate amount of \$2,061.
70. No. LF041404-13 – Authorize Mayor and Finance Officer to sign Memorandum of Agreement for 2004 evaluator for Weed and Seed.
71. Authorize Mayor and Finance Officer to sign Toro Computer Agreement for the irrigation system at Meadowbrook Golf Course for a three year period in the total amount of \$8,375.
73. Authorize payment of \$900 by April 30, 2004, and \$900 by May 30, 2004, to AEA for aquatic fitness instructor certification and continuing education workshop.
74. No. LF041404-15 – Authorize Mayor and Finance Officer to sign Agreement with Thomson West for Westlaw Services.
75. No. LF041404-18 – Approve the following abatement: Sally J. Parsons, 2003, \$146.18.
76. Approve the following licenses: Residential Contractor: Dunn Rite Construction, Mike Cole and Gregory Olson; Highmark Builders, David Asbridge; Plumb Level Builders,

Justin Konotopka; Prime Quality Contracting Service, James A. Burley; Second Hand: Time Worn Elegance, Devin Tanner Hughes; Sewer & Water Journeyman: (license renewal) William T. Schamber; Sewer & Water Contractor: (new license) Gerold Schuelke, Highmark, Inc.

Planning Department Consent Items

77. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall identify an additional five and one half feet as Western Avenue right of way; 2) Prior to Final Plat approval by the City Council, the applicant shall install No Parking sign(s) along Western Avenue, or post surety for the required sign(s); 3) Prior to Preliminary Plat approval by the City Council, the applicant shall submit a topographic and structural survey. A drainage plan shall be submitted for proposed Lot B; 4) Prior to Preliminary Plat approval by the City Council, the utility and minor drainage note on the plat shall be revised according to the Engineering staff red line comments; 5) Prior to Preliminary Plat approval by the City Council, an eight feet drainage easement shall be identified along the south lot line; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall submit documentation demonstrating that the Leedy Irrigation Ditch Association is in agreement with the proposed development; 7) Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans for a sanitary sewer stub to proposed Lot B for review and approval; 8) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 9) Prior to Final Plat approval by the City Council, sidewalk improvements to Evergreen Drive shall be completed, or a Variance to the Subdivision Regulations shall be obtained to waive the requirement; and, 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)
78. 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. (APPROVE THE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING CONDITIONS: 1) Prior to Planning Commission approval of the Preliminary Plat, a revised Master Plan shall be submitted for review and approval; 2) Prior to City Council approval of the Preliminary Plat, a revised grading plan shall be submitted for review and approval; 3) Prior to City Council approval of the Preliminary Plat, a private utility plan shall be submitted for review and approval; 4) Upon submittal of the Final Plat application, the plat document shall be revised to provide a minimum 20 foot wide Major Drainage Easement along the common lot line of Lots 1 and 2; 5) Upon submittal of the Final Plat application, the applicant shall submit a miscellaneous document recorded at the Register of Deed's Office securing a Major Drainage Easement as needed on the balance of Tract T; 6) Upon submittal of the Final Plat application, the plat document shall be revised to include the dedication of Williams Street as it abuts the subject property or the right-of-way shall be dedicated as a part of a separate Final Plat action or as an "H" Lot; 7) Prior to City Council approval of the Preliminary Plat, a subdivision estimate form shall be submitted for review and approval; and, 8) Upon submittal of the 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.)

79. 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. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, construction plans providing curb, gutter, sidewalk and water along S. D. Highway 44 shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide additional drainage easements as needed; 3) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 4) A Special Exception is hereby granted to allow an approach on Covington Street in lieu of the lesser order street as per the Street Design Criteria Manual. In addition, the approach shall align with Avery Drive; 5) Prior to Final Plat approval by the City Council, the plat title shall be revised to read "R8E" in lieu of "R7E"; and, 6) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
80. No. 04PL028 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 16 of Hanover Drive Properties located in the E1/2 of the NE1/4 of SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the NE1/4 of SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located off of Hanover Street. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. 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; 2) 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. 3) Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the South Robbinsdale Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary 4) Upon submittal of a Preliminary Plat application, a grading plan showing both existing and final contours shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, a master plan for the balance of the property shall be submitted for review and approval; 6) Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a street connection to the east lot line of the subject property; 7) 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 City and private utilities through the subject property as well as to adjacent properties; 8) 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; 9) Upon submittal of the Preliminary Plat application, road construction plans for the north-south street shall be submitted for review and approval. In particular, the road construction plans shall identify the street located within a minimum 52 foot wide

right-of-way with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 10) Upon submittal of the Preliminary Plat, the plat document shall be revised to align a side lot line located on the subject property with the side lot line of Lot 1, Block 6, Robbinsdale #11 located on an adjacent property in order to provide a looped water line or the plat document shall be revised to provide a 20 foot wide utility easement aligning with the adjacent lot as identified; 11) Prior to Preliminary Plat approval by the City Council, a Special Exception allowing 154 dwelling units in lieu of 40 dwelling units with one point of access as per the Street Design Criteria Manual shall be obtained or a second access road shall be provided; 12) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 1,150 foot long cul-de-sac without an intermediate turnaround with a minimum 110 foot wide diameter cul-de-sac and a 90 foot wide paved surface every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly; 13) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 14) Prior to submittal of a Final Plat, the applicant shall submit a proposed street name to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and, 15) 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.)

81. No. 04PL029 - A request by Centerline, Inc. for Olsen Development Co, Inc. for a **Preliminary Plat** on Lots 1 thru 28, Block 5, Windgate Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 5, Windmere Subdivision, Section 10, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southwest corner of Twilight Drive and Meadow Lane. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) 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 redlined drawings shall be returned; 2) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the utility plans as identified on Rapid Valley Sanitary District's redlined drawings. In addition, the redlined drawings shall be returned; 3) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 4) All applicable provisions of the Uniform Fire Code shall be continually met; 5) Prior to submittal of the Final Plat, the plat document shall be revised to show the labeling of a line dimension located on proposed Lot 28 from 5.40 feet to 18.5 feet; 6) A Special Exception is hereby granted to allow a 1% street section cross slope in lieu of a 2% street section cross slope as per the Street Design Criteria Manual; 7) 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 and, 8) Final Plats for the subject property shall be submitted for review and approval as per the proposed phasing plan.)
82. No. 04PL030 - A request by Wyss Associates, Inc. for William DeLorimier for a **Layout Plat** on property described by metes and bounds from a point beginning 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. (APPROVE THE LAYOUT PLAT WITH THE FOLLWING STIPULATIONS: 1) 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; 2) 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; 3) Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 4) Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties; 6) 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; 7) Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a street connection to the north lot line of the subject property. In addition, construction plans shall be submitted identifying the street located within a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface with curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations; 8) Prior to submittal of a Final Plat, the applicant shall submit for review and approval a proposed street name to the Emergency Services Communication Center for the street connection to the north. In addition, the plat document shall be revised to show the approved street name; 9) Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 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. In addition, the street shall be posted "No Parking"; 10) Upon submittal of the Preliminary Plat application, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 11) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road; 12) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 13) 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.)

83. No. 04PL031 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** on property described by metes and bounds from a point beginning 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. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) 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; 2) 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; 3) Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 4) Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties; 6) 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; 7) Upon submittal of the Preliminary Plat application, road construction plans for the cul-de-sac street shall be submitted for review and approval. In particular, the road construction plans shall identify the street located within 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. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 8) Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 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. In addition, the street shall be posted "No Parking"; 9) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road and the cul-de-sac street except for the shared approaches as shown on the applicant's site plan; 10) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 11) Prior to submittal of a Final Plat application, the applicant shall submit a proposed street name for the cul-de-sac street to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and, 12) 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.)

84. No. 04PL032 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** on property described by metes and bounds as 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. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) 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; 2) 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; 3) Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 4) Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties; 6) 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; 7) Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 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. In addition, the street shall be posted "No Parking"; 8) Upon submittal of the Preliminary Plat application, the plat document shall be revised

to show a 40 foot X 40 foot shared approach between the subject property and the property located directly west of the property as shown on the applicant's site plan; 9) Upon submittal of the Preliminary Plat application, road construction plans for Mount Rushmore Road shall be submitted for review and approval. In particular, the construction plans shall show the installation of curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road; 11) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 12) 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.)

85. No. 04PL033 - A request by Wyss Associates, Inc. for WEB Land Holdings, LLC for a **Layout Plat** on property described by metes and bounds as 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 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. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) 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; 2) 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; 3) Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Meade-Hawthorne Drainage Basin Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 4) Upon submittal of a Preliminary Plat application, geotechnical analysis identifying slope stability shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of City and private utilities through the subject property as well as to adjacent properties; 6) 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; 7) Upon submittal of the Preliminary Plat application, road construction plans for Tower Road shall be submitted for review and approval. In particular, the road construction plans shall identify Tower Road located within a minimum 60 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. In addition, the street shall be posted "No Parking"; 8) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a 40 foot X 40 foot shared approach between the subject property and the property located directly east of the property as shown on the applicant's site plan. In addition, a minimum 59 foot wide access easement and/or right-of-way shall be dedicated for the access road provided through the site to property located directly east of the subject property. In addition, construction plans for the access street shall be submitted for review and approval. In particular, the road construction plans shall show the construction of a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9) Prior to submittal of a Final Plat, the applicant shall submit for review and approval a proposed street name to the Emergency Services Communication Center for the access street. In addition, the plat document shall be revised to show the approved street name; 10) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a non-access easement along Tower Road except for approved approach location(s). In addition, the plat document shall be revised to show a non-access easement along Mount Rushmore Road; 11) Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 12) 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.)

86. No. 04PL034 - A request by Gary and Donna Kluthe for a **Layout Plat** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. (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 and/or a community water facility 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 the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval; 6) Upon submittal of the Preliminary Plat application, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, Sheridan Lake Road shall be

constructed with curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of the Preliminary Plat application, road construction plans for Peregrine Point Place shall be submitted for review and approval. In particular, Peregrine Point Place shall be 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; 8) Upon submittal of the Preliminary Plat application, road construction plans for Bridle Path Lane shall be submitted for review and approval. In particular, that portion of Bridle Path Lane abutting Lot 2 shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the balance of Bridle Path Lane shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 9) Upon submittal of the Preliminary Plat application, road construction plans for Horseshoe Loop shall be submitted for review and approval. In particular, that portion of Horseshoe Loop abutting Lot 2 shall be located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the balance of Horseshoe Loop shall be located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10) Upon submittal of a Preliminary Plat application, the plat document shall be revised to provide a street connection to the south lot line and the west lot line of the subject property. In addition, construction plans shall be submitted identifying the streets located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot paved surface with curb, gutter, sidewalk or a Variance to the Subdivision Regulations shall be obtained; 11) Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing access easement located in the southeast corner of the subject property. In addition, road construction plans shall be submitted identifying the street located within a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot paved surface with curb, gutter, sidewalk or a Variance to the Subdivision Regulations shall be obtained; 12) 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; 13) Upon submittal of the Preliminary Plat application, a site plan shall be submitted identifying existing approaches along Sheridan Lake Road opposite the subject property; 14) Upon submittal of the Preliminary Plat application, a phasing plan shall be submitted for review and approval; 15) Upon submittal of a Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of water, sewer and private utilities through the subject property as well as to adjacent properties; 16) Upon submittal of a Preliminary Plat application, the plat document shall be revised to include "Moyle Petroleum Company" on the ownership certificate or Lot W shall be removed from the proposed plat; 17) Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing 20 foot wide water line and power line easements or the easements shall be vacated accordingly; 18) Prior to submittal of the Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement as per Chapter 16.12.190.E of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained; 19) Prior to submittal of the Final Plat application, the plat document shall be revised to show a non-access easement along Sheridan Lake Road and Peregrine Point Place except for the

approved approach location(s). In addition, non-access easements shall be shown along Bridle Path Lane and Horseshoe Loop as per the Street Design Criteria Manual; 20) 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; 21) Upon submittal of a Final Plat application, a road maintenance agreement for Bridle Path Lane and Horseshoe Loop shall be submitted for review and approval. The road maintenance agreement shall also include Peregrine Point Place if access is taken from the street; 22) 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; 23) Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 24) Prior to submittal of a Final Plat, the applicant shall submit a revised street name for Horseshoe Loop to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; and, 25) Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

87. No. 04PL035 - A request by Dream Design International, Inc. for a **Layout Plat** in the E1/2 of NE1/4 of Section 29, W1/2 of NW1/4 of Section 28, and a portion of N1/2 of NE1/4 of SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located north of Red Rock Estates. (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 particular, the drainage plan shall demonstrate that the existing detention facility is adequately sized to accommodate run-off from the proposed development or additional detention shall be provided. In addition, the plat document shall be revised to provide drainage easements as necessary; 3) Upon submittal of a Preliminary Plat application, sanitary sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall identify that the capacity of the existing lift station, located in the Red Rock Estates development, is sized to handle the additional flows generated from the proposed development. The sewer plans shall also identify the size of the proposed lift station to be located on the subject property in order to insure that the lift station can handle the potential serve areas located north of the site. The sewer plan shall also verify that the sizing of the Sheridan Lake Road sanitary sewer accounted for transporting flows from the area of the proposed development; 4) Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains and service lines shall be submitted for review or a Variance to the Subdivision Regulations shall be obtained. The water plans shall identify water flow availability under current conditions with peak day and peak hour demands. In addition, the water plans shall identify the water availability from the proposed Red Rock reservoir and the proposed Stoney Creek well/booster in order to identify any phasing coordination needed between the proposed densities and the water improvements; 5) Upon submittal of a Preliminary Plat application, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to create Muirfield Drive in a "T" design with the east-west collector

street. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision; 6) Upon submittal of a Preliminary Plat application, construction plans for Dunsmore Road extending north from Sheridan Lake Road a distance of 800 feet and a north-south arterial street as shown on the applicant's site plan shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the north-south arterial shall be relocated to align with the street location as identified on the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the street as shown on the Layout Plat; 7) Upon submittal of a Preliminary Plat application, construction plans for the collector street extending from Dunsmore Road east to the arterial street and the east-west collector street located along the north lot line shall be submitted for review and approval. In particular, the construction plans shall show the streets located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the collector street located between Dunsmore Road and the arterial street shall be relocated to align with the street location as identified on the City's Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained relocating the street as shown on the Layout Plat; 8) Upon submittal of the Preliminary Plat application, the plat document shall be revised to show a north-south collector street through the subject property as per the Major Street Plan or a Comprehensive Plan Amendment to revise the Major Street Plan shall be approved. In addition, construction plans for the collector street shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9). Upon submittal of the Preliminary Plat application, construction plans for the balance of the streets serving twenty or more lots shall be submitted for review and approval identifying that the streets shall be constructed to sub-collector street standards. In particular, the streets shall be located in a minimum 52 foot wide rights-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 10). Upon submittal of the Preliminary Plat application, construction plans for the balance of the streets serving less than twenty lots shall be submitted for review and approval identifying that the streets shall be constructed to lane place street standards. In particular, the streets shall be located in a minimum 49 foot wide rights-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 11) Upon submittal of the Preliminary Plat application, construction plans for the cul-de-sac bulbs shall be submitted for review and approval. In particular, the cul-de-sac bulbs shall be located in a minimum 110 foot wide diameter right-of-way and constructed with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 12) Upon submittal of the Preliminary Plat application, the plat document shall show the dedication of the rights-of-way located on the adjacent properties as shown on the Layout Plat or the rights-of-way shall be dedicated as a part of a separate platting proposal. Either Way, the entire rights-of-way shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting only half of a right-of-way; 13) Upon submittal of the Preliminary Plat application, a complete traffic analysis by a Traffic Engineer, to include average daily trips and peak hour trips at the intersection of the proposed section line road and Sheridan Lake Road as well as the intersection at the Muirfield Drive and Sheridan Lake Road and signal evaluation, shall

be submitted for review and approval. Any revisions or reconstruction of the Muirfield Drive-Sheridan Lake Road intersection as so warranted by the comprehensive traffic analysis shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision; 14) Upon submittal of the Preliminary Plat application, a Phasing Plan for the proposed development shall be submitted for review and approval. In addition, the Phasing Plan shall identify that no more than forty dwelling units shall have one point of access or a Special Exception to allow more than 40 dwelling units with one point of access shall be obtained; 15) Upon submittal of the Preliminary Plat application, a utility master plan shall be submitted for review and approval. In particular, the utility plan shall provide for the extension of public and private utilities through the subject property as well as to adjacent properties. In addition, the applicant shall work with Black Hills Power and Black Hills Electric Cooperative to clarify the service boundary location between the two utility companies; 16) 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; 17) Upon submittal of a Preliminary Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 18) Upon submittal of a Preliminary Plat application, details of the proposed park shall be submitted for review and approval to the Department of Parks and Recreation; 19) Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 20) Prior to Preliminary Plat approval by the City Council, a 1,400 foot long north-south section line highway and a 400 foot long east-west section line highway shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highways shall be vacated; 21) Prior to Preliminary Plat approval by the City Council, a Special Exception shall be obtained to allow a 1,100 foot long cul-de-sac without an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly; 22) Prior to Preliminary Plat approval by the City Council, 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; 23) Prior to Preliminary Plat approval by the City Council, that portion of the subject property located outside of the City limits shall be annexed into the City limits; 24) Prior to the construction of a utility sub-station, a community well or a lift station, a Conditional Use Permit and/or a SDCL 11-6-19 Review shall be obtained depending upon ownership of the property and/or improvement; 25) Prior to submittal of a Final Plat application, 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, 26) 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.)

- 88 No. 04PL037 - A request by Fisk Land Surveying & Consulting Engineers Inc. for Rapid City Congregation of Jehovah's Witnesses for a **Preliminary Plat** on Lot 1 Revised of Block 7 of Morningside Addition, Addendum, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 4, Block 7; Vacated Oriole Drive ROW and Lots 5 and 6 of Block 8 of Morningside Addition, Addendum, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of West Boulevard North along Oriole Drive and Thrush Drive. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 2) Prior to

Preliminary Plat approval by the City Council, road construction plans for Thrush Drive shall be submitted for review and approval. In particular, Thrush Drive shall be 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; 3) Prior to Preliminary Plat approval by the City Council, road construction plans for West Boulevard North shall be submitted for review and approval. In particular, West Boulevard North shall be 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; 4) Prior to Preliminary Plat approval by the City Council, road construction plans for Oriole Drive shall be submitted for review and approval. In particular, Oriole Drive shall be 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; 5) All Uniform Fire Code shall be continually met; 6) Prior to submittal of the Final Plat, the applicant shall enter into an agreement assuming responsibility for any replacement of surface improvement(s) for that portion of Oriole Drive to be vacated; and, 7) 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.)

89. No. 04PL038 - A request by Fisk Land Surveying for Richard and Gladys Bray for a **Preliminary Plat** on Lots 1B and 2B of Lot B of Lot 3, Feay Reder Subdivision, located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot B of Lot 3, Feay Reder Subdivision located in the NE1/4 Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9470 Sheridan Lake Road. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, percolation information prepared by a Professional Engineer for Lot 2B shall be submitted for review and approval. In addition, the report shall identify the depth to seasonal high ground water and general suitability of the site for the proposed on-site wastewater system; 2) Prior to Preliminary Plat approval by the City Council, the location of the existing well shall be identified. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained; 3) Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed; 4) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5) Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road except for the approved shared approach location; 6) Prior to submittal of the Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement as per Chapter 16.12.190.E of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained; 7) Prior to submittal of the Final Plat, the plat document shall be revised to a ten foot wide utility and minor drainage easement on the interior side of all lot lines in lieu of an eight foot wide easement as per Chapter 16.12.200.A of the Subdivision Regulations or a Variance to the Subdivision Regulations shall be obtained; and, 8) 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

90. No. CC041904-02 – Notification of Raffle submitted by Renee Mesteth on behalf Miss Rapid City Teen 2004, Aja Kessler, proceeds to benefit ST. Jude's Children's Research Hospital in Memphis, TN; ticket sales from May 15-31, 2004, drawing to be held on June 1, 2004.

END OF CONSENT CALENDAR

The next item discussed by the Council was No. 04TP006 - Authorize Staff to Advertise a Request for Proposals for the Minnesota Street Corridor Extension. Mayor Shaw reported that there is no need or desire for this project at this time. Motion was made by Rodriguez, seconded by Waugh and carried to table this item.

Motion was made by Kooiker and seconded by Hanks to request staff to **provide the agendas** and all attachments for the June 29, 2004 Public Works meeting, the June 30, 2004 Legal and Finance Committee meeting, and the July 6, 2004 Council meeting to the newly elected officials. Kooiker asked how staff intended to proceed with this item. Waugh explained that the intent of this motion to encourage the newly elected council members to not only read the agendas, but actually attend the committee meetings prior to the July 6th Council meeting. Waugh also encouraged the incumbents to work with the newly elected officials for a smooth transition. Rodriguez spoke in favor of having the newly elected individuals sworn in at the end of the meeting. Murphy concurred. Substitute motion was made by Rodriguez and seconded by Murphy to go back to the way it used to be that the newly elected Council members are sworn in at the end of the first meeting in July. Kriebel stated that the newly elected officials will be ready to assume the duties at the beginning of the meeting. City Attorney Green clarified that the motion on the floor would be to amend the previously adopted Rules of Procedure, specifically Rule 1.2 from the Council's previous action of adoption on May 19, 2003. Roll call vote was taken: AYE: Rodriguez and Murphy; NO: Hanks, French, Kooiker, Waugh, Hadley, Kroeger and Kriebel. Substitute motion failed, 2-7. Discussion continued on the original motion. Preston stated that he feels staff is very capable of accomplishing this project in the best way possible. Upon vote being take, the original motion carried unanimously.

The next item discussed by the Council was No. LF041404-14 – Authorize Mayor and Finance Officer to sign AEA Host Confirmation. Preston requested that the Agreement be amended to delete the paragraph that indicates this training is for city employees only. There will be some individuals attending the training that have applied for employment with the city, but technically are not employees at this time. Motion was made by Hanks and seconded by Rodriguez to approve the Agreement with the deletion recommended by staff. Parks & Recreation Director Jerry Cole spoke against this amendment. Recreation Specialist Duncan Olney explained that this wording is in the agreement because the seminar is a closed event and AEA is providing this training to the city at a reduced cost. They are aware there will be some prospective city employees taking the training and have no problem with that. However, if the program is opened to the public, is it possible that the cost to the city would increase. Substitute motion was made by Kroeger, seconded by Hanks and carried to authorize the Mayor and Finance Officer to sign the AEA Host Confirmation Agreement, as originally presented.

Public Hearing

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC041904-03). Notice of hearing was mailed to the affected property owners on March 16, 2004 and published in the Rapid City Journal on April 12, 2004. No oral or written objections were made. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean up is the amount stated in the proposed assessment roll.

2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 19th 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 Kroeger. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department Items

The Mayor presented No. 04CA011, a request by Wyss Associates, Inc. for William DeLorimier for an **Amendment to the Comprehensive Plan to change the future land use designation on a 5.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property located along Tower 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 19th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 5.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development, on property described by metes and bounds as 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; 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 19th 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 Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA014, a request by Wyss Associates, Inc. for WEB Land Holdings, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 34.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development** on property located along Tower 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 19th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 34.6 acre parcel from Residential to Office Commercial with a Planned Commercial Development, on property described by metes and bounds as 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 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; 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 19th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04CA015, a request by GELD, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 7.23 acre parcel from Residential to General Commercial**, located west of Haines Avenues and north of Disk 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 19th day of April, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 7.23 acre parcel from Residential to General Commercial, on Lot 1, Block 1, GELD Subdivision, Section 25, T2N, 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 19th 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 French. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker, seconded by French and carried to authorize Mayor and Finance Officer to sign the **waiver of right to protest** a future assessment for street improvements 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. (03SV050)

The Mayor presented 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 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. Motion was made by Kooiker, seconded by French and carried to approve the requested Variance with the following stipulations: 1) Prior to City Council approval, the southern 135 feet of Oriole Drive shall be vacated; 2) Prior to City Council approval, road construction plans identifying the construction of curb, gutter and sidewalk along both sides of the balance of Oriole Drive, including a cul-de-sac bulb with a minimum 96 foot diameter right-of-way and a 76 foot diameter paved surface, shall be submitted for review and approval; and, 3) Prior to

City Council approval, the applicant shall sign a waiver of right to protest a future assessment for the improvements along Thrush Drive, West Boulevard North and Oriole Drive.

The Mayor presented 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. Motion was made by Kooiker, seconded by French and carried to continue this hearing until May 3, 2004 at the applicant's request.

Motion was made by Kooiker, seconded by French and carried to authorize Mayor and Finance Officer to sign the **waiver of right to protest** a future assessment for street improvements in the N1/2 N1/2 NE1/4 of Section 16, T1S, R7E, BHM, Pennington County, South Dakota, located along 237th Street. (04SV012)

The Mayor presented 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. Motion was made by Kooiker, seconded by French and carried to approve the requested variance, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements; and, 2) Prior to Preliminary Plat approval, construction plans shall be submitted for review and approval providing a permanent turnaround at the end of 237th Street with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter graveled surface.

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. Hanks abstained from voting on this item. Motion was made by Kooiker, seconded by French and carried 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.

Ordinances & Resolutions

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, having passed the first reading on April 5, 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 and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4030 was declared duly passed upon its second reading.

Ordinance 4044 (No. LF041404-16) entitled An Ordinance Amending the Regulations of Adult Oriented Businesses by Amending Section 5.70.120 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4044 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 3, 2004.

Ordinance 4045 (No. LF041404-04) entitled An Ordinance Amending Sections 15.26.015 and 15.26.017 and Deleting Section 15.26.065 in Its Entirety of Chapter 15.26 of the Rapid City Municipal Code Regulating the Mechanical Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4045 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 3, 2004.

The Mayor announced the meeting was open for hearing on No. 04RZ013, second reading of **Ordinance 4046**, 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. Notice of hearing was published in the Rapid City Journal on April 10 and April 17, 2004. Ordinance 4046, having had the first reading on April 5, 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 and Kriebel; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4046 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ014, second reading of **Ordinance 4047**, a request by Wyss Associates, Inc. for William DeLorimier for a **Rezoning from General Agriculture District to Office Commercial District** on the following property: From a point beginning 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. Notice of hearing was published in the Rapid City Journal on April 10 and April 17, 2004. Ordinance 4047, having had the first reading on April 5, 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 and Kriebel; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4047 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ017, second reading of **Ordinance 4050**, 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: 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 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. Notice of hearing was published in the Rapid City Journal on April 10 and April 17, 2004. Ordinance 4050, having had the first reading on April 5, 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 and Kriebel; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 4050 the second time.

The Mayor presented No. 04RZ019, second 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. Motion was made by Hanks, seconded by Waugh and carried to continue this hearing until May 3, 2004.

Ordinance 4053 (No. LF041404-02) entitled An Ordinance Amending the Regulation of Adult Oriented Businesses by Amending Sections 5.70.010, 5.70.030, and 5.70.050 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4053 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 3, 2004.

Ordinance 4054 (No. LF041404-06) entitled An Ordinance Modifying the Notification Requirements for a Planned Development Designation (PDD) by Amending Section 17.50.060 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4054 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 3, 2004.

Ordinance 4055 (No. 04RZ021) a request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Rezoning from Park Forest District to Office Commercial District** on the following property, was introduced: Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence travel 548.94 feet at a bearing S89°27'22"E to the Point of Beginning; travel 387.50 feet at a bearing N45°54'33"E to a point; thence 216.00 feet at a bearing N67°49'27"E to a point; thence travel 120.73 feet at a bearing N24°43'12"E to a point; thence travel 117.84 feet at a bearing N07°03'57"W to a point; thence travel 129.48 feet at a bearing N30°35'10"W to a point; thence travel 174.01 feet at a bearing N90°00'00"W to a point; thence travel 237.48 feet at a bearing N61°30'24"W to a point; thence travel 126.16 feet at a bearing N73°30'07"W to a point; thence travel 74.12 feet at a bearing N52°32'01"W to a point; thence travel 122.49 feet at a bearing S87°48'19"W to a point; thence travel 100.98 feet at a bearing S69°46'53"W to a point; thence travel 110.01 feet at a bearing S35°36'28"W to a point; thence travel 225.24 feet at a bearing N41°05'15"W to a point; thence travel 401.68 feet at a bearing N00°21'00"E to a point; thence travel 2337.68 feet at a bearing S89°27'07"E to a point; thence travel

107.83 feet at a bearing S57°14'09"W to a point; thence travel 63.00 feet at a bearing S38°41'00"W to a point; thence travel 89.00 feet at a bearing S68°55'00"W to a point; thence travel 47.00 feet at a bearing S54°43'00"W to a point; thence travel 95.00 feet at a bearing S47°03'00"W to a point; thence travel 77.00 feet at a bearing S69°31'00"W to a point; thence travel 160.63 feet at a bearing S45°15'58"W to a point; thence travel 93.87 feet at a bearing S45°43'39"W to a point; thence travel 96.40 feet at a bearing S34°35'20"E to a point; thence travel 219.73 feet at a bearing S55°19'07"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing S05°32'55"W; thence travel 166.06 feet at a bearing S44°48'23"E to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing S39°36'25"E, thence travel 214.00 feet at a bearing S34°24'28"E to a point; thence travel 84.11 feet at a bearing S45°11'37"W to a point; thence travel 1270.61 feet at a bearing N89°27'22"W to the point of beginning, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4055 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, May 3, 2004.

Ordinance 4056, (No. 04RZ022) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the following property, was introduced: Commencing at the SW corner of the NW ¼ of the SE 1/4 of Section 11, T1N, R7E, BHM, point also the Point of Beginning; travel 918.99 feet at a bearing N00°21'00" East to a point; thence travel 225.24 feet at a bearing S41°05'15" East to a point; thence travel 110.01 feet at a bearing N35°36'28" East to a point; thence travel 100.98 feet at a bearing N69°46'53" East to a point; thence travel 122.49 feet at a bearing N87°48'19" East to a point; thence travel 74.12 feet at a bearing S52°32'01" East to a point; thence travel 126.16 feet at a bearing S73°30'07" East to a point; thence travel 237.48 feet at a bearing S61°30'24" East to a point; thence travel 174.01 feet at a bearing N90°00'00" East to a point; thence travel 129.48 feet at a bearing S30°35'10" East to a point; thence travel 117.84 feet at a bearing S07°03'57" East to a point; thence travel 120.73 feet at a bearing S24°43'12" West to a point; thence travel 216.00 feet at a bearing S67°49'27" West to a point; thence travel 387.50 feet at a bearing S45°54'33" West to a point; thence travel 548.94 feet at a bearing N89°27'22" West to the point of beginning; said parcel contains approximately 16.55 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4056 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, May 3, 2004.

Legal & Finance Committee Items

Motion was made by Hanks, seconded by Waugh and carried to approve funding for **Lifeways Partnership** (City of Rapid City/Rapid City Area School District/State of South Dakota), funding to come from the Council Contingency Fund in the amount of \$50,000.

Motion was made by Hanks, seconded by French and carried to continue action on the **Change Order** for the Public Safety Building in the amount of \$14,397, to the May 3, 2004 City Council meeting.

The next item before the Council was a request to prepare an ordinance to require 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. City Attorney Green explained that this item should be discussed in conjunction with Item 115. He suggested that only one of these action is necessary, should the council decide to implement the requirement. Rodriguez asked how this issue would be handled procedurally if an application was denied by the Planning Commission. Green explained that these would be details that would be included in the ordinance that would be prepared. He envisioned that if an applicant appeals

an action of the Planning Commission, they would provide public notice of the hearing before the council to consider the Planning commission's continuation motion. If the Council is in agreement with the continuation, no action would be taken. However, if the Council was in agreement with the applicant, a resolution would be passed directing the Planning commission to act, one way or another at their next meeting. Green noted that the appeals process will only be effective for applications that are continued for more than two Planning Commission meetings. Rodriguez expressed concern that this proposal could undermine the Planning Commission. Hanks spoke against both of these items because they will circumvent the Planning Commission. Under state statute, the Planning Commission is required to take action on an item within a certain amount of time. Motion was made by Rodriguez and seconded by Kroeger to deny this item. Upon vote being taken, the motion to deny carried with Kooiker voting no.

Motion was made by Hadley and seconded by French to direct staff to draft an ordinance for an **appeals process for continuations by the Planning Commission**. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley and Kroeger; NO: Hanks, Murphy and Kriebel. Motion carried, 6-3.

Motion was made by Hanks and seconded by Rodriguez to amend the Rapid City **Community Development Corporation** allocation to \$57,776 and the City of Rapid City 12th Street Sewer Project to \$32,223; approve the FY2004 Annual Action Plan, as amended; and authorize the Mayor and Finance Officer to sign the Grant Application (No. LF041404-08). Jaron Johnson encouraged the Council to approve the 12th Street Sewer project in the Annual Action Plan. Hanks stated that including repairs to a failing sewer system along 12th Street in the CDBG plan is a serious precedent. These are costs that the property owners are required to pay. Once the lines have been installed, they will be added to the city's system and maintained by the city. He added that he would feel better about this if the land owners were at least willing to partner on the project. However, in this case, one hundred percent of the project will be paid from the CDBG fund to extend a sewer main which is the responsibility of the property owners in the area. Roll call vote was taken: AYE: Murphy and Rodriguez; NO: Hanks, French, Kooiker, Waugh, Hadley, Kroeger and Kriebel. Motion failed, 2-7. Motion was made by Hanks and seconded by Waugh to approve the FY2004 Annual Action Plan, as originally presented, and authorize the Mayor and Finance Officer to sign the Grant Application. Upon vote being taken, the motion carried unanimously.

Motion was made by Kooiker, seconded by French and carried to refer the **12th Street Sewer Issue** to the Public Works Committee for review and recommendation.

The Mayor presented No. 04TI001, a request by Dream Design International, Inc. for a Resolution Creating **Tax Increment District #44** located north of US Interstate 90 and west of North Elk Vale Drive and east of Dyess Avenue. The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT #44 – MALL DRIVE
CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district; and,
- (3) The District is being created for economic development purposes as defined by SDCL 13-13-10.2 and will contain one or more businesses engaged in commercial or industrial activity as defined in Title 17 of the Rapid City Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

All of Section 28 lying north of U.S. Interstate 90 right-of-way, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the 33 foot Dyess Avenue section line right-of-way north of U.S. Interstate 90 right-of-way located in the E1/2 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number 44, City of Rapid City.

DATED this 19th 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. City Attorney Green stated that it is the opinion of the City Attorney's Office that the statutory requirement that 25% of the land to be included in the district is blighted is not met. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Kroeger and Kriebel; NO: French, Kooiker, Waugh and Hadley. Motion carried, 5-4.

The Mayor presented No. 04TI002, a request by Dream Design International, Inc. for **Tax Increment District #44 - Project Plan**, located north of US Interstate 90 and west of North Elk Vale Drive and east of Dyess Avenue. The following resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT DISTRICT #44 – MALL DRIVE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District #44 – Mall Drive; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the development of Mall Drive; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS the Council has determined that this District is being created for economic development purposes as defined by SDCL 13-13-10.2 and will contain one or more businesses engaged in commercial or industrial activity as defined in Title 17 of the Rapid City Municipal Code; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Tax Increment District #44 – Mall Drive is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District #44 – Mall Drive be, and is hereby, approved as attached hereto.

DATED this 19th 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. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Kroeger and Kriebel; NO: French, Kooiker, Waugh and Hadley. Motion carried, 5-4.

Motion was made by Hanks and seconded by Murphy to approve the proposal to hire temporary employees at \$25 an hour to operate the **A/V system** during City Council meetings. Rodriguez expressed concern about hiring an individual to tape the council meetings now that the new system has been installed. She suggested that existing staff tape the meetings and come in at Noon the next day. Preston asked that the hourly rate for this service be adjusted to \$24.55 which would coincide with the current temporary employee salary schedule. Also, the estimated cost for these duties is \$1,600-\$1,800 for the remainder of 2004. There is funding for this item in the computer center budget for 2004. Preston explained this issue is currently being handled by Doug Aldrich and Rodell Grosz. Both of these individuals have duties they are responsible for and they would not be able to come in late the next day. Kriebel stated that he feels this is a reasonable request. Hanks included the adjusted amount of \$24.55 to his motion for approval. Roll call vote was taken: AYE: Hanks, French, Murphy, Hadley, Kroeger and Kriebel; NO: Kooiker, Rodriguez and Waugh. Motion carried, 6-3.

Motion was made by Hanks and seconded by Waugh to approve No. LF041404-19 – Authorize Mayor and Finance Officer to sign **Offer and Agreement to Purchase** with Our Redeemer Lutheran Church. Upon vote being taken, the motion carried with Kriebel voting no.

Motion was made by Rodriguez, seconded by Murphy and carried to approve No. LF041404-20 – Authorize Mayor and Finance Officer to sign **Offer and Agreement to Purchase** with Eugene F. and Joann Jandreau.

Motion was made by Hanks, seconded by Rodriguez and carried to declare an emergency for the **irrigation pump controls** for Executive Golf Course and award the contract for the pumps in the amount of \$18,631.

Motion was made by Hanks, seconded by Rodriguez and carried to approve No. LF041404-17 – Authorize Mayor and Finance Officer to sign **Agreement with Doyle Estes** for oversize costs (funding in the amount of \$150,000 to come from the CIP Streets & Drainage Line Item and \$20,000 from the CIP Contingency Fund).

Public Works Committee Items

Motion was made by Kooiker and seconded by Rodriguez to approve No. PW041304-07 - Memorandum of Agreement for **Footwear for Water Meter Readers**. Roll call vote was taken: AYE: Kriebel and Hadley; NO: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh and Kroeger. Motion failed, 2-7.

Motion was made by Kroeger and seconded by Rodriguez to approve No. PW041304-08 - Authorize staff to advertise for bids for **Red Rock Water Storage Reservoir** Project No. W03-1184. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Kooiker, seconded by Rodriguez and carried to continue No. 04FV002 – a **Fence Height Exception** for 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 May 3, 2004.

Approval of Bills

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

| | |
|--|-----------------------|
| Payroll Paid Ending 04-03-04, Paid 04-08-04 | 624,993.18 |
| Payroll Paid Ending 04-03-04, Paid 04-08-04 | 1,619.47 |
| Pioneer Bank, Taxes Paid 04-08-04 | 149,905.47 |
| Pioneer Bank, Taxes Paid 04-08-04 | 122.74 |
| First Administrators, claims paid 4-07-04 | 63,610.65 |
| First Administrators, claims paid 4-14-04 | 40,064.63 |
| Berkley Risk Administrators, March claim payments | 17,523.98 |
| 1 st National Bank Sioux Falls, SRF loan payments | 388,219.18 |
| SD Municipal League, District 9 meeting registration | 130.00 |
| BH Power & Light, electricity | 22,294.43 |
| Computer Bill List | <u>3,536,875.24</u> |
| Total | <u>\$4,845,358.97</u> |

| | |
|---|-----------------------|
| Payroll Paid Ending 04-03-04, Paid 04-08-04 | 2,740.80 |
| Pioneer Bank, Taxes Paid 4-08-04 | 202.49 |
| City of Rapid City, postage | 6.19 |
| City of Rapid City, March health insurance | 792.00 |
| Dakota Business Center, copier maintenance | 8.21 |
| SD Retirement System, March pension | 290.30 |
| SD School of Mines, telephone | 53.05 |
| Standard Life, insurance | <u>7.92</u> |
| Total | <u>\$4,849,459.93</u> |

Treasurers Checks

| | |
|------------------------------|-----------------------|
| Mainline Contracting | 880.00 |
| Toro NSN | 8,375.00 |
| Aquatic Exercise Association | 900.00 |
| Total | <u>\$4,859,614.93</u> |

Police Department

Motion was made by Hanks, seconded by French and carried to approve a **travel request** in the amount of \$19,540 for Eddie Rodriguez and Grant Nustad to attend training in Fort Collins, CO to begin a K9 Unit for the Rapid City Police Department. Police Chief Tieszen explained that this cost includes six weeks of training and a dog. It is anticipated that the K9 unit will be operational by mid-summer and most certainly by the time the motorcycle rally starts.

City Attorney

Motion was made by Waugh, seconded by Rodriguez and carried to go into executive session to discuss pending litigation and a contractual matter. Green noted that no action is expected after this session.

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

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)