

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
May 3, 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, May 3, 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, Martha Rodriguez, Bill Waugh, Ray Hadley, Ron Kroeger, and Jeff Partridge. The following Alderpersons arrived during the course of the meeting: Rick Kriebel; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Planning Director Marcia Elkins, Acting City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon, and Administrative Assistant Maggie Paul.

### ***Approval of Minutes***

Motion was made by Hadley, seconded by Rodriguez and carried to **approve the minutes** of April 19, 2004.

Hanks clarified that the budgets that will be presented to the Council in a couple of weeks will not include the property tax increases. The levy and projected revenue will be based on this year.

### ***Adoption of the Agenda***

The following modifications were made to the agenda:

- Add discussion about minutes (French)
- Elk Vale water line (Ted Vore)
- Move item 124 after 11 (Hadley)
- Comment about newspaper items (Rodriguez)
- Update on Rushmore Plaza Civic Center consultant selection process (Hanks)
- Knollwood metering dam (Hadley)

Motion was made by Hadley, seconded by Rodriguez and carried to approve the agenda, as modified.

### ***Awards and Recognitions***

Mayor Shaw presented the Citizen of the Month award to the Rushmore Mall management team for their efforts in cleaning the area north of I-90 during the annual clean-up day. He commended them for their outstanding leadership and commitment to making Rapid City a better place to live.

Mayor Shaw recognized the individuals that served on the City's consultant selection process committee. Those individuals were Jim Bell, Kenroy Janzen, Leonard Swanson, Martha Rodriguez, and Sam Kooiker.

### ***General Public Comment***

Dennis Halterman told the Council that he has been working with the Historic Sign Committee on a sign to be placed in front of his wife's business. The sign board had indicated that they

felt challenged by the ordinance and that they were currently reviewing the ordinance to make changes. He has reviewed the ordinance himself, and he requested that a task force be established to review the Downtown Historic Sign ordinance. The Mayor suggested that Mr. Halterman work with the Downtown Historic Sign Committee in integrating some of his concerns.

Pat Mexican, on behalf of the people for cohabitation with deer and wildlife in Rapid City, handed out a petition to the Council members and urged the City Council to address the issue of the deer management using non-lethal methods.

### ***Bid Openings***

The following companies submitted bids for No. CC050304-02 – **2004 Police Vehicle Contract for Full Size Police Package Sedans**, which were opened on April 23, 2004: McKie Ford. Motion was made by Waugh, seconded by Rodriguez and carried to award the bid to McKie Ford, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$137,300. This bid equals the State bid exactly and then offers amounts for trade in of existing vehicles.

The following companies submitted bids for No. CC050304-01 – **Heidiway Lane Sanitary Sewer Extension Project SS01-1061**, which were opened on April 28, 2004: Highmark, Inc.; Simon Contractors; Warax Excavating; Lind-Exco, Inc.; Mainline Contracting, Inc.; and Hills Materials Company. Motion was made by Hadley, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for No. CC050304-01 – **Star of the West Parking Lot Project PR04-1336**, which were opened on April 28, 2004: J & J Asphalt; Simon Contractors; and Hills Materials Company. Motion was made by Rodriguez, seconded by Murphy and carried to refer these bids to the Public Works Committee for review and recommendation.

The following companies submitted bids for CC050304-01 – **Minneluzahan Senior Center Parking Lot Overlay Project PL04-1343**, which were opened on April 28, 2004: Simon Contractors; Hills Materials Company, and J & J Asphalt Company. Motion was made by Rodriguez, seconded by Hadley and carried to award the bid to J & J Asphalt Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$40,066.70.

The following companies submitted bids for No. CC050304-01 – **Milwaukee Street Mill and Inlay Project ST04-1378**, which were opened on April 28, 2004: Simon Contractors; Hills Materials Company; and J & J Asphalt Company. Motion was made by Rodriguez, seconded by Hadley, and carried to award the bid to Simon Contractors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$160,129.88.

The following companies submitted bids for No. CC050304-01 – **Roadway Marking Contract Project PM04-1394**, which were opened on April 28, 2004: United Rentals Highway Technologies, Inc. Motion was made by Rodriguez, seconded by Hadley, and carried to award the bid to United Rentals Highway Technologies, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$144,735.

The following companies submitted bids for No. CC050304-01 – **Proposals for Amusement, Food and Hot Beverage Vending at the Roosevelt Swim Center**, which were opened on April 28, 2004: C & N Sales (amusement, food and hot beverage); Rushmore Amusement, Inc. (amusement); and Rushmore Vending (food and hot beverage). Motion was made by

Hanks, seconded by Waugh and carried to reject all bids and go out again for proposals for two separate categories, one for food and beverage, and one for amusements.

The following companies submitted bids for No. CC050304-01 – **One New Current Model Year, One-Ton Crew Cab, Long Box Duel Rear Wheel, Diesel 4x4 Pickup for the Fire Department**, which were opened on April 29, 2004: McKie Ford, Lamb Motor Company, L & S Truck Center, and Wegner Auto Company. Motion was made by Rodriguez, seconded by Waugh, and carried to award the bid to McKie Ford, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$28,967.

The following companies submitted bids for No. CC050304-01 – **Variance Pit Closure Project LF04-1368**, which were opened on April 30, 2004: Site Work Specialists; RCS Construction; Quinn Construction; Lind-Exco, Inc.; J. H. Hilt Engineering, Inc.; Bates Construction Co.; Highmark, Inc.; and Rapid Construction. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid to Bates Construction Co., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$135,302.05.

### ***Items from the Mayor***

Rod Johnson reported to the Council on the 2012 projects under construction. The Roosevelt Swim Center will be opening on the Memorial Day weekend. The parking ramp at the Public Safety building is 90% complete and is being used. The building construction is 40% complete. The jail annex is at 8%. The programming phase at Dahl Fine Arts project is substantially complete, and it is moving into the schematic phase. Johnson said he would check into who is responsible for winterizing the building at the ASA softball complex.

Hanks moved to confirm appointment of Mason Short as the Director of the Rapid City Regional Airport. Second by Rodriguez. Motion carried.

### ***Items from Council Members/Liaison Reports***

Jean French told the Council that the April 5, 2004, Council minutes do not accurately reflect the conversation that took place regarding the Police Department and lap dances. Lap dances are not allowed, regardless of whether or not the dancer is clothed. Kooiker moved to request staff to review the April 5, 2004, Council minutes with Jean French and bring back amendments to the May 17, 2004, Council meeting. Second by French. Motion carried.

Martha Rodriguez addressed the Council regarding Alderman Kooiker's article in the Rapid City Journal. She said the article accuses staff of working out "back room deals," and she takes offense to that. She is tired of the accusations and would like to see it stopped. Kooiker said this boils down to a philosophical disagreement between himself and Alderwoman Rodriguez. The lease/leaseback was a bad deal, and there are other issues that have taken place in the last couple of years that involve secrecy. Hadley said the article was not a news story. It was a press release submitted to the paper. Murphy said the last six months the staff has been beaten up by the Council to the point that they are gun shy. It is inappropriate for any Councilman to chastise the staff and accuse them of backroom deals. This needs to stop in order for City Hall to work in the right way. Partridge encouraged the Council who are guilty of taking shots to work hard to elevate the debate to a level that focuses on the issues. Preston said the lease/leaseback was an opportunity for the City to acquire \$7 to \$9 million. A lot of the issues were taken care of, and he had nothing personal to gain from the lease/leaseback.

Alan Hanks updated the Council on the Civic Center consultant selection process. Fred Thurston was selected to do the preliminary work. He will come back in late Fall or early Winter with a schematic design.

Ray Hadley thanked the Council for authorizing the expenditure for cleanup at the Knollwood Metering Dam. The homeowners are concerned because vehicles are driving through at the end of Knollwood Drive, and there is concern that the new tile will be crushed. A guardrail or something needs to be installed to keep people from going around. Also, at the end of the Surfwood Apartments there is a drainage ditch. The City needs to add protection against mosquitoes in that area due to the stagnant water.

### ***Continued Items Consent Calendar***

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

#### Continue the following items until May 17, 2004:

14. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
15. No. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. 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.
22. 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.
23. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly

boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of U.S. Highway 16 and Moon Meadows Road.

24. No. 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.
25. 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.
26. 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.
27. 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 PRD and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills PRD, and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills PRD all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
28. 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.

29. 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.
30. 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.
31. No. 04PL043 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 1 of Block 1, Minnesota Park Subdivision, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10. and a portion of the SE1/4 of the NW1/4 of the SE1/4 located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Wisconsin Avenue and East Minnesota Street.
33. 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.
34. 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.

35. 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 Bunker Drive.
36. 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.
37. 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 (SW¼) of Section Fifteen (15) of Township One North (T1N,), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, more



fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills PRD, located in the Southwest One Quarter (SW $\frac{1}{4}$ ) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills PRD, as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (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.

38. 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.
39. 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 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.
40. 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.

41. No. 04SV021 - A request by Daniel and Lori Smith for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.

Continue the following item until June 7, 2004:

32. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.

End of Continued Items Consent Calendar

### ***Alcoholic Beverage License Applications***

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

This was the time set for hearing on the application of C&C, LLC dba **Schlotsky's Sandwich Café**, 2520 W. Main Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Upon motion being made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of C&C, LLC dba **Schlotsky's Sandwich Café**, 1375 N. LaCrosse Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Upon motion being made by Hanks, seconded by French and carried, the Council approved the application.

This was the time set for hearing on the application of C&C, LLC dba **Schlotsky's Sandwich Café**, 1375 N. LaCrosse Street, for an On-Sale Wine License (New License – No Video Lottery). Upon motion being made by Hanks, seconded by French and carried, the Council approved the application.

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

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, May 17, 2004:

### ***On-Off-Sale Malt Beverage License Renewals***

1. Wal-East Development, Inc. dba **Jackpot** Casino, 685 LaCrosse Street, for an On-off Sale Malt Beverage License Renewal
2. ZBT, Inc. dba **Jackpot Casino East**, 2708 East Highway 44, for an On-Off-Sale Malt Beverage License Renewal
3. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal

4. ZBT, Inc. dba **Joker's Casino North**, 608 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
5. SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal
6. City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
7. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
8. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
9. MG Oil Company dba **#2-East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
10. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
11. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
12. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street, Suite A, for an On-Off Sale Malt Beverage License Renewal
13. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
14. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
15. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
16. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Renewal
17. Ken-Ben, Inc. dba **Eighth Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
18. H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an On-Off Sale Malt Beverage License Renewal
19. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
20. Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal

#### ***Off-Sale Malt Beverage License Renewals***

1. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
2. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
3. MG Oil Company dba **Amoco Food Shop No. 8**, 302 East North Street, for an Off-Sale Malt Beverage License Renewal
4. MG Oil Company dba **Amoco Food Shop No. 9**, 1220 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
5. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
6. James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal

#### ***On-Off-Sale Malt Beverage License Renewals (No Video Lottery)***

1. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal

#### ***Consent Calendar Items – 53-92***

The following items were removed from the Consent Calendar:

56. Refer the Riley Street extension project to the Capital Improvements Committee; request the project be added to the list; and instruct the CIP Committee to not remove any existing projects from the list.
70. Acknowledge the report on the 12<sup>th</sup> Street sewer, Jaaron Johnson.
83. Approve the recommendation from the Healthcare Committee to contract with First Administrators (American National) regarding the City's Health and Dental Plan.

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

### ***Public Works Committee Consent Items***

53. No. PW042704-01 - Approve a request to retain curb cuts at 3310 Sunshine Trail, Dave DeMaranville.
54. Adopt the 2004 edition of the Standard Rapid City Specifications, with the exception of Section 7 and Section 7A – General Conditions until reviewed by the City Attorney's Office; request City staff to publish and implement the specifications; and request City staff not to change the specifications without Council approval.
55. Request staff of the Public Works Department and the Department of Parks and Recreation to discuss with Chris Orr, Rapid Weather new options for Water Conservation Measures and bring forward any recommendations.
57. Authorize staff to purchase a polymer chemical for the Water Reclamation Facility from Drew Industrial, a sole source.
58. No. PW042704-03 - Concur in the bid award of the Lange Road Sanitary Sewer Project No. SS03-1253 PCEMS X108 to Heavy Constructors, Inc., the lowest responsible bidder meeting specification, for the low unit prices bid for a total contract amount of \$119,000.
59. No. PW042704-04 - Authorize staff to advertise for bids for Catron Blvd. Sanitary Sewer Extension, Hwy 79 to 5<sup>th</sup> Street Project No. SS01-1052.
60. No. PW042704-05 - Authorize staff to advertise for bids for Elm Avenue Reconstruction, Kansas City Street to St. Joseph Street Project No. ST04-1361.
61. No. PW042704-06 - Authorize staff to advertise for bids for Low Level Water Reservoirs Interconnection Project No. W04-1374.
62. No. PW042704-07 - Authorize Mayor and Finance Officer to sign Amendment No. 03 to Professional Service Agreement with Ferber Engineering for Construction Observation and Testing for Fifth Street Extension Project No. ST00-914 (ST01-1095) for an amount not to exceed \$58,790.
63. No. PW042704-08 - Authorize Mayor and Finance Officer to sign Professional Service Agreement with TSP to design Chapel Lane Bridge Widening Project No. ST04-1359 for an amount not to exceed \$32,935.
64. No. PW042704-09 - Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Program Resolution for Bridge Reinspection.
65. No. PW042704-10 - Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Financial Agreement to pave alley between Omaha Street and Rapid Street westerly from Second Street.
66. No. PW042704-11 - Authorize Mayor and Finance Officer to sign Agreement with AC Thorstenson LTD Partnership to pave alley between Omaha Street and Rapid Street westerly from Second Street.
67. No. PW042704-12 - Authorize staff to proceed with Request for Proposals for Tallent Street Water Main Reconstruction Project No. SSW04-1263.
68. No. PW042704-13 - Authorize staff to proceed with Request for Proposals for East Anamosa Street Extension, LaCrosse Street to Century Road Project No. ST04-1397.
69. No. PW042704-14 - Acknowledge the Public Works Consultant Pre-Selection Committee Report.
71. No. 03VE018 - Approve a Vacation of Minor Drainage Easement for petitioner Leroy and Sue Schlomer on Lots 34 and 35 of Block 5 of Green Valley Estates, Section 23,

T1N, R8E, BHM, Pennington County, South Dakota, located at 6915 Green Valley Drive.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that a portion of the drainage easement on Lots 34 and 35 of Block 5 of Green Valley Estates, Section 23, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 6915 Green Valley Drive, is not needed for public purpose; and

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

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

Dated this 3rd day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

- 72. No. 04VE008 Approve with stipulations a Vacation of a Drainfield Easement for petitioner Davis Engineering, Inc. for Cynthia Hanson on Lot 8, Cinnamon Ridge Subdivision, Section 13, T1N, R6E, Pennington County, South Dakota, located at 7685 Cinnamon Ridge Drive.

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 3rd day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
Finance Officer  
(SEAL)

- 73. No. 04VE009 Approve with stipulations a Vacation of Irrigation Ditch Easement for petitioner Kory Hammerbeck on Lot 4, Block 8, Elks Country Estates, Section 16, T1N,

R8E, BHM, Rapid City, Pennington County, South Dakota, located along Hazeltine Court.

RESOLUTION OF VACATION OF AN IRRIGATION DITCH EASEMENT

WHEREAS it appears that an irrigation ditch easement on Lot 4, Block 8, Elks Country Estates, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Hazeltine Court, is not needed for public purposes; and

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

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

Dated this 3rd day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
Finance Officer  
(SEAL)

- 74. No. PW042704-15 Refer the continued use of 2003 Uniform Plumbing Code to the Development Appeals Review Board.

**Legal & Finance Committee Consent Items**

- 75. No. LF042804-01 - Approve request from YMCA to place three signs at LaCroix Links Golf Course and direct the YMCA to work with staff on an 11-6-19 review on an additional sign to be located outside the clubhouse on the property.
- 76. No. LF042804-03 - Acknowledge the CIP Committee report.
- 77. Direct staff to begin the procedure to appropriate funding from the Utility Enterprise Funds to repay the funds to Streets & Drainage and the CIP Contingency Fund.
- 78. No. LF042804-04 - Submit the projects on the Government Buildings Five Year Plan to the appropriate 2012 Committee for consideration and leave the five year plan as it is for now with the understanding that if the projects are not included on the 2012 Plan, the Government Buildings Five Year Plan will be re-visited.
- 79. No. LF042804-05 - Approve the changes to the Streets & Drainage line item as noted on the spreadsheet dated April 16, 2004.
- 80. No. LF042804-06 - Approve the Streets & Drainage Five Year Plan with the changes that have been made in 2004, adding \$100,000 in 2005 for Project 50261, and adding a line to carry forward the balances available so that there are no negative balances.
- 81. No. LF042804-08 - Approve Travel Request for Jon Dicks to Attend Training Courses for Forensic Examiner – Demystifying Palm Prints and Court Room Testimony in Carrollton, Texas, on July 11-17, 2004, in the approximate amount of \$1,689.40.
- 82. No. LF042804-09 - Authorize the Fire Department to submit the Rapid City Improvement Plan to the Insurance Services Office to maintain the Current Class 3 rating.
- 84. No. LF042804-11 - Authorize Mayor and Finance Officer to sign Memorandum of Understanding Increase in Educational Loan Amount.
- 85. No. LF042804-12 - Authorize staff to advertise for Request for Proposals for advertising on golf carts.



- 86. Approve the following licenses: Electrical Apprentice: Chad Cooper, Roger A. Ferrigno, Daniel Garland, Chad Hein, Adam Johnson, Wayne Klug, Dennis LaRoche, Joe Proffitt, Kirby Wicks; Electrical Journeyman: Brad Bialas, William D. Flockhart, Max Cook; Mechanical Apprentice: Christopher D. Cerveney, Donald K. Muller; Mechanical Installer: C. Michael Ballinger, Scott Collins, Carl Fleming, Jim Shuman; Mechanical Contractor: Jef Mattern, Wolff's Plumbing & Heating; Plumbing Apprentice: Doug Beisner, Bruce A. Cantrall, Troy Konda, William Two Lance; Plumbing Contractor: Mike Buseti, Black Hills Plumbing; David T. Rohrer; Myron Tatum, Action Mechanical; Dana Walker, Dana's Plumbing; Plumber: Eric T. Blackwell, Michael Delaney, Michael J. Hackmeister, Nick Kraft, Cecil Lewton, Rich A. Magnuson, David Ramsey, Leonard Snavely, Myron Tatum, Louie J. Tippmann, Shoun Vanderpol, Richard Wellnitz, Terry S. Wlodarczyk; Residential Contractor: RE Construction, Inc., Richard Emery & Laura Emery.

**Planning Department Consent Items**

- 87. No. 03PL035 – Approve the request by Renner & Sperlich Engineering Company for Dean Kelly for a **Final Plat** located at 3960 Corral Drive:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots B & C of Lot 6, Miracle Pines Subdivision (formerly a portion of Lot 6 of Miracle Pines Subdivision) located in the NE1/4 of the NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots B & C of Lot 6, Miracle Pines Subdivision (formerly a portion of Lot 6 of Miracle Pines Subdivision) located in the NE1/4 of the NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 3<sup>rd</sup> day of May, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 88. No. 04PL041 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a Layout and Preliminary Plat on Lots 1 and 2 of Block 5, and Lot 12 of Block 6, Auburn Hills Subdivision and dedicated right-of-way of Chalkstone Drive, located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Chalkstone Drive and Auburn Drive (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat

approval by the City Council, a cost estimate shall be submitted for review and approval; 2. Prior to submittal of a Final Plat, the plat document shall be revised to show the "access restriction" as a non-access easement or a note shall be placed on the plat precluding driveway approaches within the access restriction; and, 3. 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. 04PL042 - A request by Daniel and Lori Smith for a Layout Plat on Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street. (APPROVE 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 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 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; 4. Upon submittal of the Preliminary Plat application, road construction plans shall be submitted for review and approval for that portion of the access easement located on the subject property. 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 or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of the Preliminary Plat application, road construction plans for Skyline Drive shall be submitted for review and approval. In particular, the road construction plans shall identify Skyline Drive located within 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; 6. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Skyline Drive or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Skyline Drive; 9. Prior to submittal of a Final Plat, a Variance to Zoning Ordinance to reduce the minimum required lot size in the Park Forest District from three acres to 1.1 acres shall be obtained; and, 10. 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.)
90. No. 04PL045 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a **Layout Plat** on property described by metes and bounds, 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 26.11 feet at a bearing S45°11'37"W to a point; thence travel 1307.61 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed; 4. Upon submittal of a Preliminary Plat, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for the approved approach locations as authorized in the Street Design Criteria Manual; 6. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to submittal of a Final Plat, the applicant shall enter into an agreement that any surface restoration within the existing utility easement be at the property owners expense; 8. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as necessary; 9. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 10. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

91. No. 04PL046 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. for a Layout Plat on property described by metes and bounds, 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 1878.66 feet at a bearing S89°27'22"E to a point; thence 59.84 feet at a bearing N00°32'37"E to a point of beginning; thence travel 214.00 feet at a bearing N34°24'28"W to a point; thence travel 38.11 feet along a 210' radius concave southwesterly curve with a chord bearing N39°36'25"W, thence travel 166.06 feet at a bearing N44°48'23"W to a point; thence travel 333.97 feet along a 190' radius concave easterly curve with a chord bearing N05°32'55"E, thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing

S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.36 feet at a bearing S45°05'51"W to the point of beginning, located west of the western terminus of Fairmont Boulevard and north of Tower Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat, a Drainage Plan designed in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed; 4. Upon submittal of a Preliminary Plat, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat, the plat document shall be revised to provide a non-access easement along Fairmont Boulevard except for approved approach locations as per the Street Design Criteria Manual; 6. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 9. 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.)

92. No. 04PL047 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a Layout Plat on property described by metes and bounds as commencing at the SW corner of the NW¼ of the SE¼ 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, geotechnical information and slope stability analysis shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat, a Drainage Plan in accordance with the Meade Hawthorne Drainage Basin Design Plan shall be submitted for review and approval. The drainage plan shall also identify off-site impacts. In addition, the plat document shall be revised to provide drainage easements as needed; 4. Upon submittal of a Preliminary Plat, road construction plans for Sandstone Lane and Pevans Parkway shall be submitted for

review and approval. In particular, the construction plans shall show the streets 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 and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat, the applicant shall demonstrate that Sandstone Lane can be constructed within the existing 52 foot wide right-of-way or additional right-of-way shall be obtained. In addition, the construction plans shall show Sandstone Lane constructed in the center of the right-of-way or a Special Exception shall be obtained as per the Street Design Criteria Manual. If a Variance to the Subdivision Regulations is granted to waive the requirement to provide a minimum 27 foot wide paved surface, then visitor parking at a ratio of one space per dwelling unit shall be provided within 300 feet of the residence or a Special Exception shall be obtained; 6. Upon submittal of a Preliminary Plat, the plat document shall be revised to show access easements to all proposed lots with a shared driveway or the lot configurations shall be revised to provide individual driveways to each lot. In addition, road construction plans for the access easements shall be submitted for review and approval. In particular, road the construction plans shall show the access easements with a width of 49 feet and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide public utility easements or additional rights-of-way for maintenance of manholes located on proposed lots or the sewer main shall be reconstructed placing the existing sewer line in the proposed right-of-way; 8. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The water plans shall also provide a connection between the Terracita High Level Pressure Zone and the Southwest High Level Pressure Zone. In addition, utility easements shall be provided as needed; 9. Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 10. Upon submittal of a Preliminary Plat, the applicant shall identify the location of the street name change for Sandstone Lane and Pevans Parkway. In addition, the plat document shall be revised to clearly show the street names; 11. All Uniform Fire Codes shall be continually met; 12. Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 13. Prior to Preliminary Plat approval by the City Council, a Major Amendment to the Planned Residential Development shall be obtained to allow a townhome development in lieu of the previously approved single family residential development.)

#### END OF CONSENT CALENDAR

The next item discussed by the Council was referring the Riley Street extension project to the Capital Improvements Committee; request the project be added to the list; and instruct the CIP Committee to not remove any existing projects from the list. Kriebel said this is a project the City should do but he thinks it should be done with the understanding that rejection of this from the Committee should be an option since it did not go through the Council. He does not believe the project has been thoroughly explored. Kooiker moved to take this item to the Capital Improvements Committee for further consideration. Second by Kriebel. Motion carried.

The next item discussed by the Council was acknowledgement of the report on the 12<sup>th</sup> Street sewer. Kooiker moved to acknowledge the report with the intent of the City being when

the landowners are ready to proceed with the 60/40 split agreement, the City is ready as well. Second by Kriebel. Motion carried.

The next item discussed by the Council was approval of the recommendation from the Healthcare Committee to contract with First Administrators (American National) regarding the City's Health and Dental Plan. Hanks moved to strike the dental plan. Second by Waugh. Motion carried.

### ***Planning Department Items***

The Mayor presented 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 beginning from a point 430.32 feet at a bearing S89°27'02"E from the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM; This is the point of beginning: Thence travel 1390.27 feet at a bearing S89°27'23" East to a point, thence travel 273.91 feet at a bearing S45°09'27" West to a point, thence travel along a 100.11 foot radius concave easterly curve with a chord bearing S04°34'14" East at a distance of 152.68 feet to a point, thence travel 27.01 feet at a bearing S54°22'24" East to a point, thence travel 179.20 feet at a bearing S35°06'11" West to a point; thence travel along a 229.33 foot radius concave southwesterly curve with a chord bearing S65°44'09" West, at a distance of 232.84 feet to a point, thence travel 134.38 feet at a bearing N82°37'26" West to a point, thence travel along a 251.47 foot radius concave Northeasterly curve with a chord bearing N61°51'37" West, at a distance of 178.04 feet to a point, thence travel 82.17 feet at a bearing N36°33'39" West to a point, thence travel along a 379.97 foot radius concave southerly curve with a chord bearing S86°34'59" West at a distance of 638.65 feet to a point; thence travel 490.92 feet at a bearing N07°00'51" East to the point of beginning; said parcel contains approximately 13.06 acres, located along Tower Road. Kooiker moved to deny without prejudice. Second by Waugh. Motion carried.

The Mayor presented 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 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 3<sup>rd</sup> day of May, 2004 to consider 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 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; 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 3<sup>rd</sup> day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

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

The Mayor presented 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 property located long North Elk Vale Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of May, 2004 to consider 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; and good cause appearing therefor

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

Dated this 3rd day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

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

The Mayor presented No. 04CA017 - A request by the City of Rapid City for an **Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.92 acre parcel from Planned Residential Development with a maximum density of 4.8 dwelling units per acre to Low Density Residential** on property located at the intersection of Nugget Gulch Road and Catron Boulevard. 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 3<sup>rd</sup> day of May, 2004 to consider an amendment to the Comprehensive Plan Amendment to the Comprehensive Plan by revising the Southwest Connector Neighborhood Area Future Land Use Plan to change the future land use designation on a 24.92 acre parcel from Planned Residential Development with a maximum density of 4.8 dwelling units per acre to Low Density Residential, on Lot 24, Block 3; Lots 4, 5 and Outlot A, Block 4; Lots 1-22, Block 6; and adjacent right of way, Stoney Creek Subdivision, located in NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefor

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

Dated this 3<sup>rd</sup> day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

ATTEST:  
s/ Finance Officer  
(SEAL)

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



Motion was made by Kooiker, seconded by Hadley and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on Lots 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. (04SV010).

The Mayor presented 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. 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.

### ***Ordinances & Resolutions***

**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 having passed first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4044 was declared duly passed upon its second reading.

**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 having passed first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4045 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on 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. Notice of hearing was published in the Rapid City Journal on April 10, 2004, and April 17, 2004. Ordinance 4052, 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, Kriebel, and Partridge; NO: Hadley,

whereupon the Mayor declared the motion passed and read the title of Ordinance 4052 the second time.

**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 having passed first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 4053 was declared duly passed upon its second reading.

**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 having passed first reading on April 19, 2004, it was moved by Hanks and seconded by Waugh to continue second reading to the May 17, 2004, Council meeting to allow the Planning Commission time to consider this matter.

The Mayor announced the meeting was open for hearing on No. 04RZ021, second reading of **Ordinance 4055**, 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: 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. Notice of hearing was published in the Rapid City Journal on April 24, 2004, and May 1, 2004. Ordinance 4055, having had the first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4055 the second time.

The Mayor presented No. 04RZ022, second reading of **Ordinance 4056**, 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: Commencing at the SW corner of the NW¼ of the SE1/4 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. Notice of hearing was published in the Rapid City Journal on April 24, 2004, and May 1, 2004. Ordinance 4056, having had the first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4056 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ015, second reading of **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 the following property: 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. Notice of hearing was published in the Rapid City Journal on April 10, 2004, and April 17, 2004. Ordinance 4048, 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, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4048 the second time.

The Mayor presented No. 04RZ016, second reading of **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 the following property: 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. Notice of hearing was published in the Rapid City Journal on April 10, 2004, and April 17, 2004. Ordinance 4049, 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, Kriebel, and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4049 the second time.

**Ordinance 4057** (No. LF042804-07) entitled An Ordinance Establishing Additional Two Hour Parking Spaces by Amending Section 10.44.010 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4057 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 17, 2004.

**Ordinance No. 4058** (No. 04OA005) entitled An Allowing Monument Sales and Engraving as a Conditional Use in the General Commercial Zoning District by Amending Section 17.18.030 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4058 was placed upon its first reading and the title was fully and distinctly read, and second reading was set for Monday, May 17, 2004.

**Ordinance 4059** (No. 04RZ020), a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC 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 918.99 feet at a bearing N00°21'00" East to the Point of Beginning; travel 401.68 feet at a bearing N00°21'00" East to a point; thence travel 160.75 feet at a bearing S89°22'18" East to a point; thence travel 67.43 feet at a bearing S09°59'31" West to a point; thence travel 115.00 feet at a bearing S05°14'58" East to a point; thence travel 106.97 feet at a bearing S34°54'43" West to a point; thence travel 245.15 feet at a bearing S00°21'00" West to a point; thence travel 151.09 feet at a bearing N41°05'15" West to the Point of Beginning; said area described contains approximately 1.34 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4059 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 17, 2004.

**Ordinance 4060** (No. 04RZ023), a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Park Forest District to Low Density Residential II District** on the following property, was introduced: Commencing at the SW corner of the NW1/4 of the SE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota: thence travel 588.52 feet at a bearing N00°21'00" East to the Point of Beginning; travel 330.47 feet at a bearing N00°21'00" East to a point; thence travel 151.09 feet at a bearing S41°05'15" East to a point; thence travel 14.84 feet at a bearing S00°21'00" West to a point; thence travel 239.65 feet at a bearing S10°42'07" East to a point on a curve;

thence travel 65.70 feet along a 74.00 foot radius Concave Northerly curve with a chord bearing N80°16'49" West to a point on a curve; thence travel 77.31 feet along a 126.00 foot radius Concave Southerly curve with a chord bearing N72°25'20" West to a point; thence travel 7.41 feet at a bearing N89°51'16" West to the Point of Beginning; said area described contains approximately 0.78 Acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4060 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 17, 2004.

**Ordinance 4061** (No. 04RZ024) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Low Density Residential 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 805.71 feet at a bearing N00°21'00" East to a point; Thence travel 99.99 feet at a bearing S89°39'00" East to the Point of Beginning; travel 245.15 feet at a bearing N00°21'00" East to a point; thence travel 106.97 feet at a bearing N34°54'43" East to a point; thence travel 115.00 feet at a bearing N05°14'58" West to a point; thence travel 67.43 feet at a bearing N09°59'31" East to a point; thence travel 813.33 feet at a bearing S89°39'00" East to a point; thence travel 392.20 feet at a bearing S00°21'00" West to a point; thence travel 65.15 feet at a bearing East to a point; thence travel 318.07 feet at a bearing South to a point; thence travel 93.37 feet at a bearing N30°35'10" West to a point; thence travel 174.01 feet at a bearing West to a point; thence travel 237.48 feet at a bearing N61°30'24" West to a point; thence travel 126.16 feet at a bearing N73°30'07" West to a point; thence travel 74.12 feet at a bearing N52°32'01" West to a point; thence travel 122.49 feet at a bearing S87°48'19" West to a point; thence travel 100.98 feet at a bearing S69°46'53" West to a point; thence travel 110.01 feet at a bearing S35°36'28" West to a point; thence travel 74.15 feet at a bearing N41°05'15" West to the Point of Beginning; said area described contains approximately 10.74 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4061 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 17, 2004.

**Ordinance 4062** (No. 04RZ025) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Low Density Residential 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 550.60 feet at a bearing S89°27'22" East to a point; Thence travel 1.39 feet at a bearing N00°32'38" East to the Point of Beginning; travel 384.90 feet at a bearing N45°54'33" East to a point; thence travel 216.00 feet at a bearing N67°49'27" East to a point; thence travel 42.13 feet at a bearing N24°43'12" East to a point; thence travel 155.08 feet at a bearing South to a point; thence travel 504.33 feet at a bearing S62°30'29" West to a point; thence travel 46.71 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 1.22 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4062 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 17, 2004.

**Ordinance 4063** (No. 04RZ026) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Medium Density Residential District to Low Density Residential II 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 1040.99 feet at a bearing S89°27'22" East to a point; Thence travel 393.67 feet at a bearing N00°32'38" East to the Point of Beginning;

travel 188.48 feet at a bearing North to a point; thence travel 16.33 feet at a bearing N50°52'56" East to a point; thence travel 11.61 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 79.09 feet at a bearing S24°43'12" West to the Point of Beginning; said area described contains approximately 0.09 Acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4063 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 17, 2004.

**Ordinance 4064** (No. 04RZ027) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Medium Density Residential 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 597.31 feet at a bearing S89°27'22" East to a point; Thence travel 2.02 feet at a bearing N00°32'38" East the Point of Beginning; travel 504.33 feet at a bearing N 62°30'29" East to a point; thence travel 154.61 feet at a bearing North to a point; thence travel 78.60 feet at a bearing N24°43'12" East to a point; thence travel 117.84 feet at a bearing N07°03'57" West to a point; thence travel 11.61 feet at a bearing N30°35'10" West to a point; thence travel 303.21 feet at a bearing N50°52'56" East to a point; thence travel 129.80 feet at a bearing North to a point; thence travel 424.41 feet at a bearing S45°00'00" East to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Concave Southeasterly curve with a chord bearing S05°49'05" East to a point; thence travel 61.40 feet at a bearing S44°48'23" East to a point; thence travel 340.35 feet at a bearing S22°02'42" East to a point; thence travel 1192.20 feet at a bearing N89°38'58" West to the Point of Beginning; said area described contains approximately 11.22 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4064 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 17, 2004.

**Ordinance 4065** (No. 04RZ028) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from General Commercial 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 1795.11 feet at a bearing S89°27'22" East to a point; Thence travel 6.07 feet at a bearing N00°32'38" East the Point of Beginning; travel 359.39 feet at a bearing N22°02'42" West to a point; travel 104.66 feet at a bearing S44°48'23" East to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Convex Southwesterly curve with a chord bearing S39°36'26" East to a point; thence travel 211.05 feet at a bearing S34°24'28" East to a point; thence travel 78.59 feet at a bearing S45°00'00" West to a point; thence travel 26.81 feet at a bearing N89°39'00" West to the Point of Beginning; said area described contains approximately 0.48 Acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4065 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 17, 2004.

**Ordinance 4066** (No. 04RZ029) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Medium Density Residential District to General 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 1657.07 feet at a bearing S89°27'22" East to a point; thence travel 337.88 feet at a bearing N00°32'38" East the Point of Beginning; travel 61.40 feet at a bearing N44°48'23" West to a point on a curve; thence travel 258.58 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°49'05" West to a

point; thence travel 47.91 feet at a bearing S45°00'00" East to a point on a curve; thence travel 178.19 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S00°08'58" West to a point; thence travel 95.96 feet at a bearing S22°02'42" East to the Point of Beginning; said area described contains approximately 0.27 Acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4066 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 17, 2004.

**Ordinance 4067** (No. 04RZ030) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Office Commercial District to General 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 1586.89 feet at a bearing S89°27'22" East to a point; Thence travel 618.64 feet at a bearing N00°32'38" East the Point of Beginning; thence travel 75.39 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N44°32'12" East to a point; thence travel 219.73 feet at a bearing N55°19'07" East to a point; thence travel 33.94 feet at a bearing S34°35'20" East to a point; thence travel 157.68 feet at a bearing S55°19'17" West to a point on a curve; thence travel 132.38 feet along a 230.00 foot radius Concave Southeasterly curve with a chord bearing S38°49'48" West to a point; thence travel 57.91 feet at a bearing N45°00'00" West to the Point of Beginning; said area described contains approximately 0.26 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by French and carried, Ordinance 4067 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 17, 2004.

### ***Legal & Finance Committee Items***

Hanks moved to approve **Change Order** for the Public Safety Building in the amount of \$14,397. Second by Waugh. Chief Tieszen said this matter is still being negotiated. Substitute motion was made by Waugh, seconded by French and carried to continue this item to the May 17, 2004, Council meeting.

Hanks moved to direct staff to prepare a resolution establishing a policy to allow the Mayor **flexibility in hiring practices** for new employees to offer from Step A to Step D. Second by Murphy. A substitute motion was made by Kooiker and seconded by Kriebel to allow the Mayor flexibility in hiring practices for new employees to offer from Step A to Step C. Jason Green said that under this resolution, the Mayor does not need to first request permission from the City Council. This would apply to any newly hired employee regardless of what grade he starts at. Kriebel said he thinks the pay matrix needs to be considered heavily by the Council in order to treat current employees fairly. Mayor Shaw said when positions are advertised, they are generally advertised at Step A. Out of 160 people that have been employed since the pay matrix went into effect, there have been only 4 instances where an adjustment was made in the pay scale. He said the whole point of the pay matrix is to ensure pay equity, internally as well as externally. A friendly amendment to the substitute motion was made by Hanks to authorize the City Council to approve deviation from this policy above Step D with a majority vote. Roll call vote was taken on the substitute motion as amended: AYE: Hanks, French, Kooiker, and Kriebel; NO: Murphy, Rodriguez, Waugh, Hadley, Kroeger, and Partridge. Substitute motion failed, 4-6. An amendment to the original motion was made by Hanks to authorize the City Council to approve deviation from this policy above Step D with a majority vote. A vote was taken on the original motion as amended with Hanks, French, Murphy, Rodriguez, Waugh, Kroeger, and Partridge voting "yes" and Kooiker, Hadley, and Kriebel voting "no." Said resolution is as follows:

RESOLUTION

WHEREAS, the City of Rapid City recognizes that employing the best qualified individuals is in the best interest of the citizens of Rapid City; and

WHEREAS, the City of Rapid City has adopted a comprehensive pay plan to ensure that compensation levels are established at appropriate levels for each position; and

WHEREAS, the pay plan is designed to ensure internal as well as external pay equity for employees; and

WHEREAS, the City Council has determined that in most instances new employees should start at Step "A" on the pay plan; and

WHEREAS, the City Council also recognizes that some instances a new employee should start at a higher step because of special ability or experience that exceeds the stated minimum qualification requirements; and

WHEREAS, the Mayor is the administrator of city operations, including overseeing the hiring of new employees; therefore

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Mayor, with concurrence of the Director of Human Resources, may authorize a new employee's starting level on the pay plan at Step "B", "C" or "D". The City Council will be informed when this action occurs. The Council may authorize placement of a newly hired employee above Step D by majority vote.

Dated this 3rd day of May, 2004.

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

Kooiker said the minutes for the Civic Center Board, the Library Board, and the Airport Board need to include more detail. He directed the recording secretaries for the Civic Center Board, Library Board and Airport Board to include more detail in their minutes.

Hadley moved to take the request for staff to prepare an ordinance amendment establishing 7 units of sewer or whatever is used, whichever is less, as the sewer charge and bring forth the ordinance amendment to the May 12, 2004, Legal and Finance Committee meeting. Second by Rodriguez. A substitute motion was made by Murphy to take this item, together with the discussion about sewer rates, to the committee that will be looking at that and bring it forward at the May 11, 2004, Public Works Committee meeting. Second by French. Hadley said that what came out of the Legal and Finance Committee meeting was that this would require an ordinance amendment, so it was continued at that time to allow staff to prepare the amendment to the ordinance. Kriebel thinks this needs a quicker review than what the substitute motion would give it. Hadley said this is an issue of people who are paying for four or five more units of sewer than they are actually using. He would ask that the substitute motion on the floor be defeated. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, and Kroeger; NO: Kooiker, Hadley, Kriebel, and Partridge. Substitute motion carried, 5-4.



**Public Works Committee Items**

No. 04FV002 – Kooiker moved to continue to May 17, 2004 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. Second by Hadley. A vote was taken with Hanks voting "no."

Hadley moved to approve No. 04FV003, a **Fence Height Exception** for Roy and Lynne Hix-Jencks to allow a six foot fence in a Low Density Residential District on Lot 15 of Block 8, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4342 Milehigh Avenue. Second by Partridge. Mr. Hix presented to the Council a petition signed by 19 neighbors who approve of the fence. Mr. Hix said he built the fence not knowing it was not in compliance. The Code Enforcement office cited him for non-compliance. There are three other fences in the area that are six feet high and are not in compliance. Jason Green advised the Council that it cannot permit structures constructed within the right of way. Mr. Hix said the fence is not in the right of way. Kroeger said if this gets approved, there will be three more coming before the Council for approval. He thinks there needs to be criteria set out for the homeowners to follow. French said if the other homeowners get approval by their neighbors for their fences, then she doesn't have a problem with the fences. A vote was taken with French, Kooiker, Murphy, Hadley, Kroeger, Kriebel, and Partridge voting "yes" and Hanks, Rodriguez, and Waugh voting "no."

Kooiker moved to authorize Mayor and Finance Officer to sign South Dakota Department of Transportation **Right-Of-Way Agreements**, Temporary and Permanent Easements, and Donations Forms for Haines Avenue Reconstruction, Northridge to Viking Project No. P 1669 (26). Second by Rodriguez. Motion carried.

**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 04-17-04, Paid 04-23-04	630,286.12
Payroll Paid Ending 04-30-04, Paid 04-30-04	1,014,124.28
CDev Payroll Ending 04-17-04, Paid 04-23-04	1,580.80
Pioneer Bank, Taxes Paid 04-23-04	151,837.79
Pioneer Bank, Taxes Paid 04-03-04	251,963.84
CDev Pioneer Bank, Taxes Paid 04-23-04	119.78
First Administrators, Claims Paid 04-21-04	64,539.58
First Administrators, Claims Paid 04-28-04	40,811.88
Pennington County Auditor (PSB Parking & Construction)	120,749.82
Sidwell Company, 911 Mapping System Software	20,000.00
Computer Bill List	<u>1,601,191.63</u>
Total	<b>\$3,897,205.52</b>

Payroll Paid Ending 04-17-04, Paid 04-23-04	2,740.80
Pioneer Bank, Taxes Paid 04-23-04	202.23
City of Rapid City, postage	2.56
Marlin Leasing (copier)	9.27
PhilFleet (gasoline)	<u>159.11</u>
Total	<b>\$3,900,319.49</b>

**Public Works Director's Items**

Hani Shafai told the Council the Elk Vale Water Project is part of a TIF established as part of the Heartland Retail Center south of I-90. This project includes the construction of a water main from the interstate and Black Hills Powersports to Cheyenne Boulevard. The TIF included the connection of the 16-inch water main to East Anamosa Street which is basically to deliver fire flow to the Rushmore Industrial Park. Phase one was built last year. The budget for the project was set up at \$390,000, but did not include the areas shown in yellow and red on the map. Since the scope of the project has changed, those areas were included as alternates. The Heartland Retail Center has borrowed money in the amount of \$475,000. This is enough to cover the base bid plus some engineering costs. The City was in agreement to pay for the yellow area shown on the map, and it was agreed between the developer and the City that the red portion would be included at the expense of the developer, if the budget allowed for it. Previously, discussion was held with staff to have the City pay for the red portion and include it either in the TIF or in a connection fee. This would help in the future to deliver fire flow to the airport. Shafai's request is to authorize staff to sign an agreement with Doyle Estes stating that the City will upfront the cost for the red and yellow portions on the map. Ted Vore said the City is responsible for the yellow portion in the amount of approximately \$25,000. The red portion will cost approximately \$65,000. He would propose up to \$100,000 allowance from the Council to be taken out of the reserve funds for water projects to complete this project. Kooiker moved to request the City Attorney's office to work with the developer in drafting the agreement and bring it back to the May 11, 2004, Public Works Committee meeting for further discussion. Second by Waugh. Vore said that he is requesting that the City pay for this additional work without reimbursement. He said the City could get some tap fees off the property. The City's responsibility in this project is approximately \$25,000. Hanks said he could not support asking the City to pay for this and not be able to recapture the money. The bids were opened on Thursday, and there is a timing issue. The project is scheduled for completion August 15<sup>th</sup> so that the Valley View School can open in September. Any delay would delay the fittings. The cost will be recovered when the owners tap into the line. Originally, this money was coming out of the IDPF. It was Shafai's intent to have the City cover the expense and recover it from the TIF. Kriebel said he would like to accommodate this project. He thinks it's important for the school to have water when it opens. Green said he can draft the agreement. If there will be an assessed project, supplemental tap fee or amendment to the existing TIF project plan, that will take significantly more time. Vore said if the Council is agreeable to this, the material could be ordered prior to entering into the agreement. Kooiker said the intent of his motion is to bring something forward for discussion, but he does not think there is enough information to make a decision tonight. Green pointed out that if a developer chooses to move ahead with the project prior to formal approval of the contract and the appropriation of funds to support it, the developer does so at his own risk. The City is not obligated before the Council votes to authorize the contract. Preston said the funding source would be the water enterprise balance. Shafai said he would recommend to the developer to wait until after the next Public Works meeting to proceed. Every week it is delayed, the delivery of water pressure for fire protection for the existing industrial park is delayed and it may also delay delivery of fire protection to the school site. A substitute motion was made by Hanks to take this to the May 11, 2004, Public Works Committee meeting. Second by Kooiker. A second substitute motion was made by Kriebel and seconded by Partridge to move forward with the project in terms of developing the agreement without it coming back to the Council with the intent that those costs identified be recouped by the City. Curtis Claar asked if from an engineering standpoint it is possible to get water from the homes south of the school to the school. Hani Shafai said the existing water system in the area is not capable of delivering adequate water for fire protection for the school. Hanks said he is not comfortable voting on an agreement that has not been seen. The intent is to recapture the \$65,000 and if that is not possible, then the contract needs to come back before the Council. Mayor Shaw said he does not think it is appropriate to put the Council in the position of affecting the opening of a school by having to make a \$100,000 decision with no previous discussion. This should have been discussed a long time ago.

Kroeger said he thinks the indication from the Council members is that they are in favor of the project and getting it done but he cannot vote on it tonight. Kriebel withdrew his second substitute motion. A vote was taken on the substitute motion and carried.

***City Attorney's Items***

Motion was made by Rodriguez, seconded by Partridge and carried to go into Executive Session to discuss pending litigation and personnel matters. The Council came out of Executive Session at 12:05 A.M.

Hadley moved to discuss garnishment of wages at the same time as discussion on the other work rules. Second by Rodriguez. Motion carried.

As there was no further business to come before the Council at this time, the meeting adjourned at 12:07 A.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)