

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 17, 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 17, 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, Rick Kriebel and Jeff Partridge. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

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

Approval of Minutes

Motion was made by Hanks, seconded by Rodriguez and carried to correct the minutes of April 5, 2004 regarding "lap dances" to state "It was clarified that lap dances are not allowed and the Police Department will implement enforcement procedures for this provision of the ordinance immediately". Also, correct the minutes of April 5, 2004 to indicate that "Wade Veren stated that Lt. Allender told him he does not recall this statistic". Allender did not attend the April 5th Council meeting; Also correct the April 5, 2004 minutes to note the dollar amount for the purchase of a Chevrolet Suburban from Beck Motors was \$29,126 rather than \$29,116; and **approve the minutes** of May 3, 2004.

Adoption of the Agenda

The following items were added to the agenda:

- Add Item No. 25B which is authorization for the Mayor and Finance Officer to sign a Waiver of Right to Protest future assessment for street improvements in the N1/2 NW1/4 SW1/4, Section 23, T2N, R8E
- Move Item No. 87 relative the Cleanup of the Federal Beef Property to Items from the City Attorney at the end of the agenda
- City Attorney Green requested an executive session prior to action on the Federal Beef property cleanup issue
- Add West Nile Virus and legal options available to the city

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

Awards and Recognitions

Mayor Shaw presented the **Veteran of the Month Awards** for April and May to Michael Beason and Robert Boyer, respectively, and commended them for outstanding service to the country.

Mayor Shaw also recognized the following City employees for their years of service to the community: Ted Rufledt, 25 years, Tim Amos, 20 years, and Bruce Evans, 20 years.

The National Recreation & Parks Association, Midwest Region presented the Individual Citation Award to Van Lindquist. Shaw commended Lindquist for the countless hours he has given to the community relative to parks and recreation issues.

General Public Comment

Emily Code, Student Representative from Stevens High School, thanked the Council for the opportunity she received to be the liaison for the youth in the community and the City Council.

Diane Reitman informed the City Council that the American Cancer Society Relay for Life is scheduled for Saturday, May, 2004. She invited the City Council members and the public to participate in the activities planned for the event and to contribute generously to this event.

Tim Havik thanked the City for constructing and operating the ice rink in Roosevelt Park. He noted that this facility has provided countless hours of good family fun for he and his children. He also commended the staff at the ice rink, specifically Romeo Vivit for the unselfish giving of his talents, and his vision for the youth of the community.

Greg Bartron briefed the Council on activities of the **Economic Development Office**, specifically the West River Business Services Center. Bartron explained that the Business Center came about as a result of Governor Janklow's attempt to regionalize economic development in 1998. The state was divided into five regions and the west river region is the largest, serving 22 counties in western South Dakota. The West River Business Center is comprised of the following organizations that provide economic development services to the community: SCORE, Small Business Development Center, Business Information Center (library), SBA 504 Program (fixed asset financing), Governor's Office of Economic Development (Julie Gregg), PTAC (procurement technical assistance center), Revolving Loan funds, Genesis Innovation and the Genesis Equity Fund.

Bid Openings

The following companies submitted bids for No. CC051704-01, **Triplex Greens Mower** for the Golf Division which were opened on May 6, 2004: 1) LL Johnson Dist. Company; 2) Midwest Turf & Irrigation; and 3) Sun Turf, Inc. Finance Officer Preston explained that the bid submitted by Sun Turf did not meet specifications, therefore, staff recommends that the bid be awarded to Midwest Turf. Motion was made by Hanks, seconded by French and carried to award the bid for the Triplex Greens Mower to Midwest Turf & Irrigation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$18,906.

The following companies submitted bids for No. CC051704-01, **Waterloo & Jackson Streets Watermain Loop Project** W04-1377 which were opened on May 12, 2004: 1) Mainline Contracting; 2) Warax Excavating; 3) Hills Materials Company; 4) Simon Contractors of SD; and 5) Highmark, Inc. Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Hanks, seconded by Murphy and carried to award the bid for W04-1377 to Simon Contractors of South Dakota, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$31,617.05.

The following companies submitted bids for No. CC051704-01, **East Anamosa Water Main Extension Project** W04-1370 which were opened on May 12, 2004: 1) Rapid Construction; 2) Warax Excavating; 3) Hills Materials Company; 4) Simon Contractors of SD; and 5) Highmark, Inc. Staff has reviewed the bids and recommends award to Highmark, Inc. Motion was made by Hanks, seconded by Murphy and carried to award the bid for W04-1370 to Highmark, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$57,512.50.

The following companies submitted bids for No. CC051704-01, **Transportation Natural Gas** for the City/School Common Energy Plant, Stevens High School Boiler Plant, Dakota Middle School, West Middle School and Southwest Middle School, which were opened on May 13, 2004: 1) Envision Energy Management, LLC; 2) Rainbow Gas Company, and 3) Commercial Energy of Montana. Staff has reviewed the bids and recommends award to Commercial Energy. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for Transportation Natural Gas to Commercial Energy of Montana, the lowest responsible bidder meeting specifications, based on their low unit price bid as follows: Colorado Interstate Gas Index \$ 0.04/MMBtu; and Williston Basin Interstate current rate \$0.39066/MMBtu.

The following companies submitted bids for No. CC051704-01, **Catron Boulevard Sanitary Sewer Extension**, Highway 79 to 5th Street Project No. SS01-1052 which were opened on May 17, 2004: 1) Mainline Contracting; 2) Excel Construction and 3) Heavy Constructors. Staff has reviewed the bids and recommends award of Schedule 2 to Heavy Constructors. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for SS01-1052, Schedule 2, to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$557,967.57.

Items from Council Members/Liaison Reports

The next item discussed by the Council was No. CC051704-04 - **Ward/Precinct Lines**. Hadley stated that there are areas in North Rapid that are currently in Ward 5, but the areas should be in Ward 4. He suggested that this issue of revising the ward boundaries in this part of the community be revisited. Kriebel added that there should be additional discussion on the practice of combining elections with the County. Although it may have been a noble idea to combine elections, it has been problematic. Motion was made by Hadley, seconded by Waugh and carried to refer this item to the Legal & Finance Committee for review.

Alderman French expressed concerns about a swimming pool that is not being maintained and a development site that is **pooling water**, and the problems that could result with West Nile Virus. Both of these instances are on private property. Motion was made by French and seconded by Hadley to request that the City Attorney come up with recommendations on how the City could encourage private land owners to take care of standing water issues because of the West Nile Virus threat. Kooiker noted that if we are talking about enacting an ordinance, that action would not become effective until July or August and would not help take care of the problem now. He suggested that the city contact these property owners and discuss the health issues in an attempt to take care of this problem. French agreed that communication is the best approach, however, she would like to put "a little meat behind the potatoes". This is the time to look at what the city can do legally to encourage landowners to address standing water issues. Partridge added that there is a great deal of information on the City's web page on West Nile Virus preparedness as well as recommended protective actions the public can take to reduce the risks of the virus. Murphy cautioned the council against 'too much government' on this issue. Substitute motion was made by Kooiker and seconded by Hadley to ask city staff to raise the issues, the specific two issues that Alderman French cited, with the landowners to see if they are voluntarily willing to work with the city on fixing these areas, and if that can't be resolved, then have the attorney's office bring forward a recommendation on how to proceed. Roll call vote was taken: AYE: Hanks, Kooiker, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: French and Murphy. Substitute motion carried, 7-2.

Continued Items Consent Calendar – Items 9-35

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

18. 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.
21. 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.
 - 25B. Authorize the Mayor and Finance Officer to sign a Waiver of Right to Protest future assessments for street improvements in the N1/2 NW1/4 SW1/4, Section 23, T2N, R8E, located along North Elk Vale Road.
 26. 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.

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

Continue the following items until June 7, 2004:

9. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
10. No. 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.
11. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
12. No. 03PL052 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a

portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.

13. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
14. 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.
15. 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.
16. 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.
17. 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.
19. 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.

20. 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 W1/2 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 W1/2 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.
22. 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.
23. No. 04PL051 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2 through 5 Block 10, Lots 17 through 20 Block 8, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Parcel C, MJK Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Fieldview Drive to Elm Avenue.
24. 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.
25. No. 04SV009 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk on one side of the street and to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of the intersection of Bunker Drive.
27. No. 04SV016 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on a tract of land located within the Southwest One Quarter (SW1/4) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills PRD, located in the Southwest One Quarter (SW1/4) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E), BHM, Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West

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

28. 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 items until June 21, 2004:

29. No. 04RZ023 - Second Reading, **Ordinance 4060**, 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 property described by metes and bounds as 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.
30. No. 04RZ024 - Second Reading, **Ordinance 4061**, 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 property described by metes and bounds as 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.

31. No. 04RZ025 - Second Reading, **Ordinance 4062**, 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 property described by metes and bounds as 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.
32. No. 04RZ027 - Second Reading, **Ordinance 4064**, 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 property described by metes and bounds as 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.
33. No. 04RZ028 - Second Reading, **Ordinance 4065**, 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 property described by metes and bounds as 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.
34. No. 04RZ029 - Second Reading, **Ordinance 4066**, 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 property described by metes

and bounds as 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.

35. No. 04RZ030 - Second Reading, **Ordinance 4067**, 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 property described by metes and bounds as 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.

End of Continued Items Consent Calendar

The Mayor presented No. 04PL020, a request by Dream Design International, Inc. for a **Preliminary Plat** on Tract 1 and Tract 2 located in the N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, legally described as N1/2 NW1/4 SW1/4 of Section 22, T2N, R8E, BHM, Pennington County, South Dakota, located along North Elk Vale Road. Growth Management Director Elkins explained that the information for this item was not in the Planning Office by the Wednesday deadline, however, it has been submitted and the Council can approve the preliminary plat if they choose. Motion was made by Kroeger and seconded by Waugh to approve the Preliminary Plat, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the additional floodplain information submitted on May 17, 2004 shall be reviewed. In addition, prior to final plat approval, the applicant shall submit a Letter of Map Revision to the Federal Emergency Management Agency; 2) Prior to Preliminary Plat approval by the City Council, a revised grading and drainage plan shall be submitted for review and approval. In particular, the grading and drainage plan shall incorporate the data from the revised floodplain analysis. In addition, the plat shall be revised to show drainage easements as needed; 3) Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to the adjacent properties; 4) Prior to Preliminary Plat approval by the City Council, revised construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the construction plans shall include the installation of curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 5) Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised reducing the size of the sewer taps to the west from 24 inches to eight inches with the exception of the sewer main stubbed to the west located at manhole #11; 6) Prior to Preliminary Plat approval by the City Council, all

necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 7) Prior to Preliminary Plat approval by the City Council, a revised subdivision cost estimate shall be submitted for review and approval; 8) Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the proposed sewer line extending through USA Tract D does not interfere with the location and/or depth of the existing water line. Prior to construction, a copy of the signed "Consent to Cross" agreement with Ellsworth Air Force Base shall be submitted to the City of Rapid City; 9) Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits; 10) Prior to any wetland disturbance, a 404 Permit shall be obtained from the Corp of Engineers; 11) All Uniform Fire Code shall be continually met; 12) Upon submittal of the Final Plat, the plat document shall be revised to include right-of way for the off-site water and sewer improvements or H Lots shall be approved; 13) Upon submittal of the Final Plat, the plat title shall be revised to include "Elk Vale Park"; and, 14) 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. Alderman French spoke against this item which relates to the location of a State Department of Corrections trustee facility. She also expressed concern that the site would be a future location for a maximum security prison. Kooiker noted that several representatives from the State, as well as local legislators, have indicated there is no plan for this site to become a maximum security facility. Roll call vote was taken: AYE: Kooiker, Murphy, Rodriguez, Kroeger, Kriebel and Partridge; NO: French and Hadley. Motion to approve carried, 6-2.

The Mayor presented 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. Motion was made by Kroeger and seconded by Waugh to approve the layout and preliminary plat, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that the pavement width of Fountain Plaza Drive as it abuts the subject property is a minimum width of 26 feet or construction plans shall be submitted for review and approval providing the additional pavement width or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, a grading and drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed; 3) Prior to Preliminary Plat approval by the City Council, construction plans providing curb and gutter along Fountain Plaza Drive shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 5) Upon submittal of the Final Plat, water and sewer connection fees shall be paid; 6) 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; prior to submittal of the Final Plat, a Comprehensive Plan Amendment to the Long Range Comprehensive Plan to change the land use designation from General Agriculture to Light Industrial shall be approved; and 7) Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Fountain Plaza Drive except for approved approach location(s). Elkins informed the Council that the required information was not submitted in accordance with the Wednesday deadline; however, the information has now been provided and the Council can approve the plat if they choose. Roll call vote was taken: AYE: French, Kooiker, Murphy, Waugh, Hadley, Kroeger and Kriebel; NO: Rodriguez and Partridge. Motion to approve carried, 7-2.

Motion was made by Rodriguez and seconded by Kroeger to authorize the Mayor and Finance Officer to sign a **Waiver of Right to Protest** future assessments for street improvements in the N1/2 NW1/4 SW1/4, Section 23, T2N, R8E, located along North Elk Vale Road (04SV014). Upon vote being taken, the motion carried with French voting no.

The Mayor presented 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. Motion was made by Rodriguez and seconded by Kroeger to deny the variance to waive the requirement to install water; and approve the variance to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show the extension of sewer stubs to the west side of the Elk Vale Road right-of-way; and, 2) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. Elkins noted that the required information was not presented by the Wednesday deadline. She added that the Planning Commission initially recommended that the plan to relocate the water line be denied. However, if they could come up with an agreement with the adjacent property owner to the west about the connection points, it would be appropriate to relocate the water line off Elk Vale Road to a frontage road to the east. The applicant did visit with Mr. Tangey and worked out an agreement for the connections to the west. As such, the proposal before the Council at this time is consistent with the Planning Commission's original discussions and can be approved. Hani Shafai from Dream Design International, Inc. submitted a layout of the property and explained where the water and sewer stubs will be located and available for the property to the west. Upon vote being taken, the motion carried with French voting no.

Alcoholic Beverage License Applications

This was the time set for hearing on the following applications for alcoholic beverage licenses to operate within the City of Rapid City:

On-Off-Sale Malt Beverage License Renewals

36. Wal-East Development, Inc. dba **Jackpot** Casino, 685 LaCrosse Street, for an On-off Sale Malt Beverage License Renewal
37. ZBT, Inc. dba **Jackpot Casino East**, 2708 East Highway 44, for an On-Off-Sale Malt Beverage License Renewal
38. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
39. ZBT, Inc. dba **Joker's Casino North**, 608 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
40. SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal
41. City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
42. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
43. MG Oil Company dba **#2-East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
44. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
45. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal

46. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street, Suite A, for an On-Off Sale Malt Beverage License Renewal
47. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
48. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
49. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
50. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Renewal
51. Ken-Ben, Inc. dba **Eighth Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
53. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
54. 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

55. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
56. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
57. MG Oil Company dba **Amoco Food Shop No. 8**, 302 East North Street, for an Off-Sale Malt Beverage License Renewal
58. MG Oil Company dba **Amoco Food Shop No. 9**, 1220 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
59. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
60. James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal
61. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an On-Off Sale Malt Beverage License Renewal

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

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

No public comments were made. Police Chief Tieszen requested that the hearing for No. 52, Hall Inn, be continued to June 7, 2004. Motion was made by Hanks, seconded by Waugh and carried to close the public hearing. Motion was made by Hanks, seconded by Waugh and carried to approve the above listed applications.

Motion was made by Hanks, seconded by Waugh and carried to continue the hearing for H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an On-Off Sale Malt Beverage License Renewal, until June 7, 2004.

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, June 7, 2004:

Off-Sale Malt Beverage License Renewals

1. Fresh Start Convenience Stores, Inc. dba **Fresh Start-Rapid City**, 520 Birch Avenue, for an Off-Sale Malt Beverage License Renewal
2. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal

3. Superpumper, Inc. dba **Superpumper No. 16**, 3275 S. Highway 79, for an Off-Sale Malt Beverage License Renewal
4. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewals

1. Kittens, Inc. dba **Uncle Sam's East**, 1122 East North Street, for an On-Off Sale Malt Beverage License Renewal
2. Jumble, Inc. dba **Uncle Sam's West**, 2730 West Main Street, for an On-Off Sale Malt Beverage License Renewal
3. Uncle Sam's Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
4. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
5. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
6. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal
7. Dean'O's Casino, Inc. dba **Dean'O's Casino**, 903 East North Street, for an On-Off Sale Malt Beverage License Renewal
8. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
9. United Foods, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal
10. United Foods, Inc. dba **Toby's Casino South**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
11. Lybecks Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
12. CCKT, Inc. dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
13. High Plains Securities, Inc., 710 St. Joe Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
14. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (inactive)
15. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
16. Thomas G. McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
17. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewal (No Video Lottery)

1. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
2. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal

On-Sale Liquor License Transfer

1. Loretta Jo Heck dba **Jo's Lounge**, 2110 Jackson Boulevard, for an On-Sale Liquor License Transfer (from Nob Schoenfelder & Ron Stevens-formerly Hara's)

Consent Calendar Items – 64-111

The following items were removed from the Consent Calendar:

84. No. 04VE010 - Approve with stipulations a Vacation of Major Drainage Easement for Steven Thingelstad for Western Management Corporation on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive.
86. No. PW051104-15 - Request staff to make the application for the 11-6-19 review for the Farmers' Market.
87. Request staff to negotiate with Federal Beef for clean-up of the property and bring back a recommendation to the City Council as soon as possible for further discussion and approval with a March 1, 2005, timeline.
99. No. LF051204-06 – Authorize Mayor and Finance Officer to sign Combined Election Agreement with Pennington County.

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

64. No. PW051104-12 - Approve a 230' access easement at East Highway 44 and the Southeast Connector, and request staff to continue negotiations with BankWest.
65. Request staff to investigate the intersection of St. Joe/3rd Street and bring a recommendation in terms of proceeding with a possible traffic study.
66. No. PW051104-13 - Authorize Mayor and Finance Office to sign a Lease/Purchase Agreement with Troxler Electronic Laboratories, Inc. for an amount not to exceed \$473.00 per month.
67. Eliminate the Yield signs in the West Boulevard median and return the median to the way it originally was prior to construction.
68. No. PW051104-01 - Reject all bids for Heidiway Lane Sanitary Sewer Extension Project SS01-1061.
69. No. PW051104-02 - Approve the bid award for Star of the West Parking Lot Project PR04-1336 to the lowest responsible bidder meeting specifications, Simon Contractors of South Dakota, Inc., Base Bid plus Alternate 1, based on their low unit prices bid, for a total contract amount of \$114,365.35.
70. No. PW051104-03 - Approve a Contract Change Order to Lighting Maintenance Company for Street Light Maintenance Contract Agreement Project No. ST01-1148 for a decrease of \$20.32 per month for the remainder of the contract, for a new monthly payment of \$1,864.36.
71. No. PW051104-04 - Authorize staff to advertise for bids for Fitzgerald Stadium Parking Lot Overlay Project No. PR04-1400.
72. No. PW051104-05 - Authorize staff to advertise for bids for College Park Irrigation Project No. PR04-1401.
73. No. PW051104-06 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering to design Centre Street Sewer Extension Project No. SS00-940 for an amount not to exceed \$38,895.
74. No. PW051104-07 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering to design Mall Ridge Lift Station Improvements Project No. SS03-1255 for an amount not to exceed \$37,336.
75. No. PW051104-09 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with West Plains Engineering to design Whitehead Ballfield Improvements Phase 2 Project No. PR04-1404 for an amount not to exceed \$1,664.78.
76. No. PW051104-10 - Authorize Mayor and Finance Officer to sign a Janitorial Service Contract with Manning Janitorial for the Water Reclamation Facility office building for an amount not to exceed \$550 per month.
77. No. PW051104-11 - Approve the Administrative Policy for Utility Permit for Trenchless Sewer Construction and In-Place Pipeline Reconstruction.

- 78. No. PW051104-14 - Approve an Amendment to Contract for Private Development for Tax Increment District No. 38.
- 79. Acknowledge the report on the Dial-A-Ride Saturday Service Update.
- 80. No. 04TP007 - Approve Executive Summary and the US Highway 16 Corridor Study Report.
- 81. No. 04TP008 - Approve Jackson Boulevard Extension Study Report.
- 82. No. 04TP009 - Approve Rapid City Travel Demand Modeling Update Documentation and Users Guide.
- 83. No. 04TP010 - Approve a Resolution for the 2005-2009 Transportation Improvement Program Urban Systems Project List.
- 85. Acknowledge the report on the West Nile Update.

Legal & Finance Committee Consent Items

- 88. Request staff to look at the ordinance regarding paintball guns and possibly revise it to allow special events.
- 89. Approve request by Rob Mudge to use Canyon Lake for Water Ski Show on June 26, 2004.
- 90. No. LF051204-02 – Confirm appointment of Rod Holmes, Bill Werner, and Myron Tatum to the Plumbing Board for two year terms.
- 91. No. LF051204-03 – Confirm appointment of Timothy Baumgartner and Steve Struble to the Electrical Board for two year terms.
- 92. Confirm appointment of Jeff Partridge as the Council liaison to the 2012 committees.
- 93. No. LF051204-04 – Approve Travel Request for 15 members of the Police Department command staff to attend semi-annual goals meeting in Deadwood, South Dakota, on May 19-20, 2004, in the approximate amount of \$530.
- 94. No. LF051204-05 – Approve Travel Request for Wayne Asscherick and Chad Strobel to attend Crime Prevention Through Environmental Design (CPTED) Certification Course in Louisville, KY, from August 22-26, 2004, in the approximate amount of \$2,050.
- 95. Approve the request for a detailed floodplain study on Box Elder Creek.
- 96. Secure support from the congressional delegation for seeking the funding for the detailed floodplain study on Box Elder Creek.
- 97. Set Special Council Meeting for 6:30 P.M. on Monday, June 7, 2004, to canvass municipal election.
- 98. Approve sign for Sixth Street entrance to the City/School Administration Center parking lot, at an estimated cost of \$6,000 (City's share-\$3,600), funding to come from the Council Contingency Fund.
- 100. No. LF051204-07 – Approve Resolution Establishing Change Fund for the Rapid City Swim Center.

RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS it has been determined that the Rapid City Swim Center requires a Change Fund to operate the facility efficiently

NOW, THEREFORE, BE IT RESOLVED that a Change Fund be established for the Roosevelt Swim Center in the amount of Seven Hundred Dollars (\$700) to be used as follows:

Change Fund for Operations	\$400
Change Machine	<u>\$300</u>
Total	\$700

BE IT FURTHER RESOLVED THAT the City Finance Officer is authorized to issue a treasurers check to establish the fund:

Dated this 17th day of May, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

101. No. LF051204-08 – Approve Travel Request for Duncan Olney, Nikki Murphy, and seven seasonal employees to attend Rapid City hosted AEA event (certification & training) June 26-27, 2004, in the approximate amount of \$1,800.
102. No. LF051204-09 – Authorize Mayor and Finance Officer to sign Preventive Maintenance Agreement for copy machine at the Swim Center.
103. No. LF051204-10 – Authorize staff to advertise for Request for Proposals for Roosevelt Swim Center vending (amusement).
104. No. LF051204-11 – Authorize staff to advertise for Request for Proposals for Roosevelt Swim Center vending (hot drink and food/candy).
105. No. LF051204-12 – Authorize Mayor and Finance Officer to sign Agreement with American Red Cross.
106. Approve the following licenses: Central Station Service: ADT Security Services, Inc., Sherry McInnes or Mel Levinson (W. Henrietta, NY); ADT Security Services, Inc., Sherry McInnes or Mark Warner (Papillion, NE); ADT Security Services, Inc., Sherry McInnes or Juanita Farr (Kansas City, MO); ADT Security Services, Inc., Sherry McInnes or Ashley Dobson (Jacksonville, FL); ADT Security Services, Inc., Sherry McInnes or Leatrice Lee (Aurora, CO); Residential Contractor: A&E Construction, Eric Frank; B & D Construction, Bob Degen; De Clercq Construction, Sean DeClercq; Nationwide Building Services, Leon Wickle; Tordsen Backhoe Service, Jared Tordsen; Trenching Contractor: John Tenquist, Mastec Twin Cities; Sewer & Water Contractor: Douglas A. Wilson, Site Work Specialists; Trenching Journeyman (2004 License Renewal): Lee Ammons.

Planning Department Consent Items

107. 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 U.S. Highway 16 and Moon Meadows Road. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPUALTIONS, AND CONTINUE THE FINAL PLAT UNTIL JUNE 7, 2004: 1) Prior to Preliminary Plat approval by the City Council, road construction plans for the north-south collector road as shown on the City's Major Street Plan shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained and/or a Comprehensive Plan Amendment to the City's Major Street Plan relocating the collector road shall be approved In addition, the right-of-way for the collector street shall be dedicated or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, road construction plans for U.S. Highway 16 shall be submitted for review and approval. In particular, curb, gutter, sidewalk and street light conduit shall be constructed along U.S. Highway 16 or a Variance to the Subdivision Regulations shall be obtained; 3) Prior to Preliminary Plat approval by the City Council, the section line highway located along the north lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 4) Prior to Preliminary Plat approval by the City Council, site grading and drainage information shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as

needed; 5) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along U.S. Highway 16. In addition, a non-access easement shall be shown along the section line highway except for approved approach location(s); 6) Prior to Final Plat approval by the City Council, all affected utility companies shall submit documentation concurring with the reduction of a ten foot wide utility easement located on the interior sides of all side and read lot lines to eight feet or the plat document shall be revised retaining the existing ten foot wide utility easement; 7) Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division 8) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 9) Prior to Preliminary Plat approval by the City Council, an approach permit shall be obtained from the South Dakota Department of Transportation; and 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

108. 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. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Prior to Preliminary Plat approval by the City Council, the plat document shall be revised showing a ditch easement for the South Side Ditch; 4) Prior to Preliminary Plat approval by the City Council, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of utilities through the subject property as well as to adjacent properties; 5) Prior to Preliminary Plat approval by the City Council, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an on-site waste-water system is proposed, then a plan prepared by a Registered Professional Engineer shall be submitted for review and approval; 6) Prior to Preliminary Plat approval by the City Council, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. If a shared well is proposed then it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show utility easement(s) as needed; 7) Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, soil testing and design calculations for pavement design shall be submitted for review and approval; 8) Prior to Preliminary Plat approval by the City Council, construction plans for the north-south street shall be submitted for review and approval. In particular, the north-south street shall be constructed as a collector street with a minimum 60 foot wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9) Prior to Preliminary Plat approval by the City Council, construction plans for the east-west street shall be submitted for review and approval. In particular, the east-west street shall be constructed as a collector street with a minimum 60 foot

wide right-of-way and a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Engineering Division; 11) Prior to Preliminary Plat approval by the City Council, a structural site plan shall be submitted for review and approval; 12) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 13) Prior to Preliminary Plat approval by the City Council, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 14) All Uniform Fire Code shall be continually met; 15) Prior to submittal of the Final Plat, road names for the two streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 16) Prior to submittal of the Final Plat, the property shall be rezoned from General Agriculture District to allow the proposed 33.4 acre and the 14.3 acre lot; and, 17) 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.)

109. 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. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS 1) Prior to Preliminary Plat approval by the City Council, road construction plans for Sheridan Lake Road shall be submitted for review and approval. In particular, Sheridan Lake Road shall be constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 2) Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway shall be submitted for review and approval. In particular, the section line highway shall be constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained; 3) Prior to Preliminary Plat approval by the City Council, the applicant shall verify that the culvert located in Okpealuk Street is adequately sized for the ten year storm due to the increased site run-off; 4) Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation that the South Dakota Department of Environment and Natural Resources has reviewed and approved the water source. If a shared well is proposed than it shall be designed as a public water system or a Variance to the Subdivision Regulations shall be obtained; 5) Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation that a septic tank and drainfield could not be utilized in lieu of the existing holding tank; 6) Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the south half of the right-of-way for the section line highway located on an adjacent property or the south half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 7) Prior to submittal of a Final Plat, a Variance shall be obtained from the Pennington County Board of Adjustment to reduce the front yard setback from 25 feet to 17.2 feet for the in-door tennis facility located on proposed Lot 1 of Lot C of Lot 1 resulting from the dedication of 10 additional feet of right-of-way along Sheridan Lake Road or a Variance to the Subdivision Regulations shall be obtained to waive the requirement to dedicate the additional right-of-way; 8) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall

be submitted for review and approval; 9) Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Sheridan Lake Road; 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.)

110. No. 04PL048 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned; 2) Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval; 3) A Special Exception is hereby granted to allow access to Lots 7, 8 and 9 from Minnesota Street in lieu of Ridge Heights Court, the lesser order street, as per the Street Design Criteria Manual; 4) Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Minnesota Street as it abuts Lot 1; 5) All Uniform Fire Codes shall be continually met; 6) Prior to Preliminary Plat approval by the City Council, a road connection shall be provided to the south lot line or a Master Plan of the adjacent property(s) shall be submitted for review and approval demonstrating that the road connection is not needed. At a minimum, parallel water mains shall be extended to the south lot line for the Terracita High and the Robbinsdale Water Zones; 7) Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and 8) Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

END OF CONSENT CALENDAR

The Mayor presented No. 04VE010, a Vacation of **Major Drainage Easement** for Steven Thingelstad for Western Management Corporation on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until June 7, 2004.

Motion was made by Hanks, seconded by Waugh and carried to request staff to make the application for the 11-6-19 review for the **Farmers' Market** (No. PW051104-15) which will be located in Founder's Park. Kooiker suggested that staff find out why Rapid City is the only municipality in the state that does 11-6-19 reviews.

Motion was made by Kooiker and seconded by Hanks to authorize Mayor and Finance Officer to sign **Combined Election Agreement** with Pennington County (No. LF051204-06). It was noted that the Agreement pertains to the June 1, 2004 election only. Upon vote being taken, the motion carried unanimously.

Planning Department Items

The Mayor presented No. 04CA018, a request by Franklin Simpson for Fountain Springs Development for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.0949 acre parcel from General Agriculture to Light Industrial** on

property located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive. The following Resolution was introduced, read and Kookier 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 17th day of May, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 2.0949 acre parcel from General Agriculture to Light Industrial, on on a parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; 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 17th day of May, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. The following voted AYE: Hanks, 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 Hanks and carried to authorize Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for street improvements 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. (03SV035)

The Mayor presented 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 the following property: 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. Motion was made by Kooiker, seconded by Waugh and carried to deny the variance to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the east-west section line, and approve the variance to waive the requirement to install curb, gutter, sidewalk and street light conduit on US Highway 16, with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements. Elkins suggested that the portion of the variance relating to the section line highway be tabled because it will be handled with another item. Kooiker amended his motion to include the recommendation of the Growth Management Director (table the variance as it relates to the section line highway item, and approve the variance relating to US Highway 16, with the stipulation listed). Upon vote being taken, the motion carried unanimously.

Motion was made by Kooiker, seconded by Waugh and carried to authorize the Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for street improvements on the following property: A portion of Tract 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. (04SV004)

The Mayor presented 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 the following property: 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 U.S. Highway 16 and Moon Meadows Road. Motion was made by Kooiker, seconded by French and carried to approve the requested Variance with the following stipulation: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

Motion was made by Kooiker, seconded by Waugh and carried to authorize Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for street improvements on 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. (04SV018)

The Mayor presented 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. Growth Management Director Elkins explained that the recommendation that comes forward from the Planning commission is to deny the request to waive the requirement to install pavement along Peregrine Pint Place; and approve the Variance to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Sheridan Lake Road, and to install curb gutter, sidewalk, street light conduit, water and sewer along Peregrine Point Place and the internal streets, with the following stipulations: 1) That a sidewalk be provided along the one side of the internal streets; 2) The lot approaches along the internal streets shall be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located; 3) Erosion control measures shall be provided in the ditches as needed; 4) Upon submittal of a Preliminary Plat application, the plat document shall be revised to dedicate an additional 17 feet of right-of-way along Sheridan Lake Road; and, 5) 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. Elkins added that Mr. Kluthe has explained that it has always been his intent to pave the internal streets. The only point of disagreement he would like to discuss is relative to the paving of Peregrine Point Place. Gary Kluthe explained that the layout plat was approved several months ago and there will be no access to Peregrine Point Place from the proposed development. Kluthe stated that he doesn't feel it is fair to require him to pave this entire road when he will not be using it. He has no problem signing a Waiver of Right to Protest document so that if the road is paved in the future, he will share in the costs at that time. Martin Longhenry submitted pictures of Peregrine Point Place which is adjacent to his west property line. He noted that when the road was first developed, there were no provisions made for retaining walls or soil stabilization. Longhenry added that he has tried to stabilize the sides of the road in recent years by planting vegetation, however, the road has encroached over the property line in a few places. He is concerned that if and when the road is paved, that adequate bank stabilization be approved so that no further encroachment will be done on the adjoining properties. Longhenry urged the Council to approve the Planning Commission's recommendation that this road be paved prior to approval of the final plat. If the road is not paved at this time, Longhenry stated that he would like an assurance that if it is paved in the future, he will not be billed for any of the improvements. Eileen Rosseow explained that she owns a Bed & Breakfast which is located at the end of Peregrine Point Place. For the last five years, she has been the only user of this road and as a result, she took on the responsibility of plowing the road in the winter and re-grading and cutting weeds on the side of road during the summer as best she could. Rossow stated that if there are additional lots platted along this road which would generate additional use, she feels the road should be paved. Tim Havik asked the city to mitigate any negative effects the proposed development will have on neighboring properties in this area. He also spoke in support of the Planning Commission's recommendation to require that the road be paved. Havik expressed the concern about the potential increase in traffic as a result of the proposed development, and additional dust, noise, etc. that will be generated. He added that six of the proposed lots may eventually want access onto Peregrine Point Place. Havik stated that as a neighbor who has been negatively impacted by the installation of the road in the first place, and by the development of adjacent property, he doesn't feel he should be responsible for improvements to a road from which he will gain very little benefit. Kluthe stated that his development will not create any disturbances in this area and he has no access to Peregrine Point Place. He added that he has agreed to share in the costs of paving the road in the future through an assessed project, even though he has no access to the road. Motion was made by Kroeger and seconded by Waugh to approve the variance request to waive the requirements to install curb, gutter, sidewalk, street light conduit, and pavement of Peregrine Point Place, with the requirement that the internal streets be paved, and include the stipulation that the petitioner sign a waiver of right to protest for the future paving of Peregrine Point Place. Havik

reiterated that he doesn't feel it is fair to require him to pay for the future paving of this road when he doesn't have that much use of the road. Kluthe stated that he feels it is even more unfair to require him to pave the entire road when he won't use the road at all. Partridge called the question and there were no objections. Upon vote being taken, the motion to approve the variance carried unanimously.

Motion was made by Kooiker, seconded by French and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements on the following property: A 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. (04SV019)

The Mayor presented 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 the following property: 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. Motion was made by Kooiker, seconded by French and carried to approve the requested variance, with the following stipulation: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

Motion was made by Kooiker, seconded by French and carried to authorize the Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for street improvements on 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. (04SV020)

The Mayor presented 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. Motion was made by Kooiker and seconded by Rodriguez to deny the variance to waive the requirement to install curb, gutter and pavement along a section line highway; and approve the variance to waive the requirement to install street light conduit, sidewalk, water and sewer along a section line highway and 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, with the following stipulation: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements. Hanks asked why a WOPR agreement would not be appropriate for this property. Growth Management Director Elkins explained that this is the internal road to the development that will provide service to the property. Also, the road will provide access to two commercial facilities. Staff and the Planning Commission felt strongly that this road be paved because of the impact on the adjoining properties. Bob Brandt stated that this could never be a city street because of the topography in this area. It is a driveway to two small businesses. Brandt added that as long as this road is pitched to the north, there will never be any drainage issues for the properties to the south. Brandt explained that this new facility will allow at least one state high school tennis tournament to be held in Rapid City each year. This will provide economic development for the hotels and restaurants during the off-season. Regarding air quality, Brandt explained that this road will only go to the tennis facility. The developers would prefer to put recycled asphalt on the entire parking lot and road which would reduce the dust for this area. The time to build a paved road is when the property to the west is developed. Brandt added that the property owners will sign a Waiver of Right to Protest any future assessment for paving this road when it is annexed into the city, or when the property to the west is developed. Hanks spoke in favor of allowing the property owners to sign a WOPR agreement rather than paving this road. He stated that there are similarities between this development and others the council has approved with WOPR agreements. Elkins explained that the only access to this property is this road, which the Planning Commission has recommended be paved. This is not a secondary road or side street that will not have access; it is the main access to two commercial businesses. Elkins added that the property in this area is zoned Highway Service and it is anticipated that there will be additional commercial traffic in this area. Kroeger stated that there is a lot of difference between this property and others from a traffic standpoint. This facility will host tennis tournaments and other activities that could generate a great deal of traffic. It is not a bed and breakfast facility that will have four or five vehicles on the weekends. Elkins also noted that it has been the city's experience that recycled asphalt doesn't hold up and at some point in time, this will be a city street which the city will be required to maintain and repair. Substitute motion was made by Hanks and seconded by French to change the stipulations to also waive the requirement for curb, gutter and pavement, and require that they sign a Waiver of Right to Protest that states "prior to any future development along this roadway, that they be required to build the road to city standards". Hanks stated that the intent of his motion is to require a waiver of right to protest that is enforceable on future development of any additional lots along this right-of-way. Hanks restated his motion: Approve the recommendation from the Planning Commission with the addition of waiving the requirement for curb, gutter, and paving, with the requirement that prior to the final plat approval, the property owners sign a WOPR for those improvements; and that recycled asphalt be put down on the parking lot and the roadway. French concurred. Roll call vote was taken: AYE: Hanks, French, Kooiker, Waugh, Hadley and Kriebel; NO: Murphy, Rodriguez, Kroeger and Partridge. Motion carried, 6-4.

The Mayor presented No. 04SV022, a request by Ferber Engineering Company, Inc. for Cregut Inc. for a **Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width, to waive the requirement to install curb and gutter and to allow platting half a right-of-way 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, located at 7800 Alberta Drive. Motion was made by Kooiker and seconded by Rodriguez to approve the variance to allow platting half a section line right-of-way, and deny the variance to reduce the right-of-way width from 59 feet to 40 feet and to waive the requirement to install curb and gutter. Based on the previous action, Elkins recommended that the variance to allow platting half a section line right-of-way and waiving the requirement for curb and gutter be approved, and the variance to reduce the right-of-way width from 59 feet to 40 feet be denied. This would be consistent with the Council's action on the previous item for this location. Substitute motion was made

by Kriebel and seconded by French to approve the variance to allow platting half a section line right-of-way and waiving the requirement for curb and gutter, and deny the variance to reduce the right-of-way width from 59 feet to 40 feet. Roll call vote was taken: AYE: Hanks, French, Kooiker, Rodriguez, Waugh, Hadley and Kriebel; NO: Murphy, Kroeger and Partridge. Substitute motion carried, 7-3.

The Mayor presented No. 04SV023, a request by Centerline, Inc. for 3 T's Land Development LLC for a **Variance to the Subdivision Regulations to waive the requirement to provide 50 feet of right-of-way on Middle Valley Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street. Motion was made by Kooiker, seconded by Waugh and carried to approve the requested variance.

Ordinances & Resolutions

The next item before the Council was Second Reading of **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. Motion was made by Hanks, seconded by French and carried to continue this hearing until June 7, 2004.

Ordinance No. 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, 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 Ordinance 4057 was declared duly passed upon its second reading.

Ordinance No. 4058 (No. 04OA005) entitled An Ordinance 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, having passed the first reading on May 3, 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 4058 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 04RZ018, second reading of **Ordinance 4051**, a request by Franklin Simpson for Fountain Springs Development for a **Rezoning from General Agriculture District to Light Industrial District** on the following property: A parcel of land described by metes and bounds as beginning at the southwest corner of Tract L of the Fountain Springs Business Park: Thence first course: N89°23'38"E - 203.63 feet; thence second course: S00°36'37"E - 555.42 feet; thence third course: S89°25'48"W - 124.89 feet; thence fourth course: N08°41'27"W - 560.92 feet; said parcel located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 2.0949 acres, more or less and to be further described in platting as: Tract N of the Fountain Springs Business Park formerly a portion of Tract C-R-3 of Fountain Springs Golf Course and Gardens located in the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Fountain Plaza Drive between North Plaza Drive and South Plaza Drive. Notice of hearing on the proposed rezoning was advertising in the Rapid City Journal on April 10 and April 17, 2004. Ordinance 4051 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 4051 the second time.

The Mayor presented No. 04RZ020, second reading of **Ordinance 4059**, 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: 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. Motion was made by Hanks, seconded by French and carried to deny this item without prejudice.

The Mayor announced the meeting was open for hearing on No. 04RZ026, second reading of **Ordinance 4063**, 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: 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. Notice of hearing on the proposed rezoning was advertising in the Rapid City Journal on May 8 and May 15, 2004. Ordinance 4063 having had the first reading on May 3, 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 4063 the second time.

Ordinance 4068 (No. 04RZ031) a request by Adam Altman for Lincoln & Talbot Limited Partnership I for a **Rezoning from Office Commercial District to General Commercial District** on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Tablerock Road, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4068 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, June 7, 2004 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hanks, seconded by French and carried to approve No. LF051204-01 – request by the Rapid City Club for Boys, Inc. for permission to **plant a garden**.

Motion was made by Hanks and seconded by French approve a Change Order for the **Public Safety Building** in the amount of \$14,397. Upon vote being taken, the motion carried with Hadley voting no.

Motion was made by Hanks, seconded by French and carried to acknowledge the following volunteers who served at the annual City clean-up, for workers compensation purposes: **Boy Scout Troop 55**: Mike and Dan Zavitz, Sig and Nathan Zvejnieks, Bill Zavitz, Chase and Joel Tigner, Cody and Bill Ficken, John Lind, Brandon and Jim Fleming, Kay Foland, Ian Keegan; **Exchange Club of Rapid City**: Jeff and Karen Nelsen, Burke Eilers, Tom Brown, Mike Alley; **Girl Scout Troop 4410**: Michelle Hoftiezer, Natalie Joyce, Lisa Thornton, Katelyn, Lisa and Laura Troastle, Marilyn Neubert, Haley Smith, Angel Spreen, Marissa Morris; **State Farm Insurance**: Andy Schultz, Mark Hummel, Mary Buckley, Gina Samuelson, Dale Kokesh, LaCosta Ringing Shield; **Prudential Kahler Realtor**: Loren Miles, Kathy Oligmiller Miles, Allison Miles, Jeff Rinehart; **Cougars 4-H Club**: Ray, Sierra, Misty and Shanelle Blough, Rick, Kathy and Amber Borkovec, Danielle, Andy and Mike Hanson, Joyce Bowman, Mary Lunders, Clyde Elwood, Karen and Miranda Luedke; **Boy Scout Troop 4**: Geoff, Taylor and Jason Slingsby, Rick and Erik Belsaas, John Burke, Carl and Taylor Hill, Tim Malone, Andrew Pavsek, Chuck Mordhorst, Jeff and Jesse Johnson; **Beautification Committee**: Jim and Kathy White, Steve Doshier, Lon VanDeusen, Joel Jundt; **Cub Scout Pack 33**: Shannon and Scott Thornburg, David and Brandon Emery, Bruce and Kyle Jensen, Shelley, Brady and Andrew Licht, Danny and Scott Mitchelson, Chris and Jackson Veasey, Bill and Daniel Johnson, Steve and Adrian Hill, Aiden and Janet Keegan, Drake, Zach and Rick Rogers, Dawn, Dakota and Mike Steveson; **Liberty Baptist Tabernacle**: Larry Brock, Jared Ahlstrom, Paul Colton, Wayne, Michelle and Vincent Cunningham, Jeffrey Russ, Eric, Kristen and Alexander McCarty, Gary Brooks, D.J. Stichter, Paul Baran; **ASI**: Trina, Kurt, Holly and Derek Allen, Jennifer and Mikayla Vaughan, Diane Ainsworth, Dennis Pierce, Terry Nelson, Carol Bancroft, Mike, Kim Kennedee and Kody Miles, Cathy and Dave Burnette, Chance and Tye Theriault, Tonya and Mackenzie Skyberg, Deb and Fred English, Jose A., Elisa A., Aaron and Aannabelle Rangel, Leann and Christine Boadwine, Kristi Noble, Alyssa Cummins, Charyl Taylor, Shawna Gray, Carrie Jamison, Carisa Salway, Kerri Smith, Brandi Christensen, Kevin D. and Taylor M. Shepard, Delaine Lutz, Debbie Brand, Lindi Koepp, Jerry Bell, Andrea, Diane and MyKaela Garrett, Barb Reiman, Linda Freier, Wyndi Halsey, Steph TV, Michael and Amber Morrell, Brandi and Shelby Tillett, Alan Solano, Tara Richter, Sherrie Brennan-Mutter, Rio Mutter; **Canyon Lake Senior Center**: Dick Titus, Ron Roland, Mildene M. Turpin, Larry L. and Andrea J. James, Jane Marsh, Gordon Scofield, Nila and Jon Boone, Dave Linde, Holly Johnston; **Cub Scout Pack 2**: Collin VanDam, Fred and Alec Schieckoff, Greg and Taylor Sperlich, Chris Johnson, Linda and Zach Larson, Greg and Matthew Johnson; **St. Therese Knights of Columbus**: Larry Cole, John Thomas; **Rapid City West Kiwanis**: Charles W. Roetter, Earl Stucke, Jim Brewster, Michael Doyle, Zachary Kirschenmann; **Lamar Outdoor Advertising**: Shirley Whiting, Deb Thomas, Steph Hubbeling, Terry Olson, Kip Fode, Mike Johnson, Ray Pechous, Doug Rumpca, Kyle Mattison, Steve Blake; **Boy Scout Troop 131**: Ron and Aaron Nordell, Zachary Lewis, M. Moulton, Levi and Mick Moulton, Dana Hicks, Matthew and Mark Eisenbraun, Dan Shank; **Boy Scout Troop 44**: Nathan Degen, Jean Kroeger, Bill Kingrey, Nathan Ryks, Ian Begley, Robert Kroeger, Chad and Pat Doyle, Scott Ferrier, Norman Thornton, Connor Rice, Carson Crawford, Shawn Robinson, Matt Kingrey, Donald Borchert, Ethan Acuña, Taylor Casey, Charlene and Gian Laurenti, Anton and Arianna Schabauer, Patrick Eckrich, Ron Ross Knecht, Terri E. Holts, Jim Holec, Adam Bauman, Pete St. Peter, Alex Schnell, Kyle Fisher; **Kiwanis Mary Hall Park Committee**: Jim Brewster, Earl Stucke, Mike Doyle, Bill McBride; **Boy Scout Troop 42**: Tully and Cody Jackson, Kristofer and Paul Erickson, Adam and Donna Johnson, Paul French, Tom and Lori Brey, Keith and Philip Johnson, Ross and Michael Mohr, Russell and Jayr Ziegler, Nick and Alec Williams, Dave, Michele, Ryan and Brandon Gabert, Dan and Tony Arnio; **Cub Scout Pack 7**: Ryan and Brenda Nelson, Quinn and Kevin Lewis, Jared and Kathy Kovall, Zachary Pullen, Joey and Joe Bader, Jim and Ed Hubbeling, John and Randy Rapp, John Cronin, John Reishus, Tom Bader, Dommie and Luis Usera, Mark and Mark Schlichte, Jeron Laurenti; **Milwaukee Neighborhood Watch**: Richard and Delores Cooper, Lee and Darcy Dennison, Tamara Achtien, Michael Solecki, Justin Bomford, Winston and Geri Hutchins, Jeri Lynn and Jordan Harper, Patricia Trumble, Jerry Freeman, Dave and Laurie Johnson, Arlyne Carroll, Lex Heathershaw, Charlyn BullBear, Stephen Beasley, Keenan WhiteHorse, Emily Dubray, Megan Lurz, Ganeva

VanVleck, Tiffany Tines, Joel Lankutis; **Rapid City Club for Boys**: Ira Colhoff, Isaac Tucker, Tyler Borwn, JJ Gonzalez, Chance Pettigrew, Tre Reasor, Nick Meland, Chris Taylor, Dana Rojo, Ryan Housh, Jacob Freeland, Austin Socia, Sal Braun, Lucas Bultena, Lance Bultena, Cory Comp, Kordell Jones, Ken Richards, Tony Chapman, Matt Caylor, Michael Miller, Phil Martin, Jason Davaila, Derek Braveheart, Dylan Braveheart, Jeremiah LaFazio, Ricky Comes Flying, Noah Comes Flying, Matt Donley, Mark Kline, Cindy Lloyd, Zane Nepper, Jared Grosshans, Ryan Mastin, Waylon Sitting Crow, Cobra Swift Eagle, Matt Huynh, Tyler Aquallo, Ricky Castillo, Alex Gross, Nickolys Glaser, Steven Remington, Ben Rencountre, Antonio Aquino, Tristan Blamires, Sylvan Dismount Thrice, Jason Huynh, Tyler Mattson, Cyrus Gilbert-Steele, Jonathan McIntyre, Zach McIntyre, Cody Larson, Jobe Larson, Timmy Gloe, Steven McIntyre, Jonathan Stierwalt, Jason Petek, Tristan Cardoza, Kiedes Valandra, Patrick Iron Cloud, Cody Iron Cloud, Robert Iron Cloud, Cleveland Iron Cloud, Zach Murray, Cody Murray, Brandon Janis, Brandon Jeffries, Rodney Janis, Joey Dale, Ramón Hawk Eagle, Jeremy Dale, Jimmy Roseland, Kermit Ellis, John Strummed, Yamane Eagle Tail, Keanu Eagle Tail, Max Iberia, Perry Sitting Crow, Dale Price, Mervin Comes Flying, Nathan Coon; **Boy Scout Troop 99 – Pack 99**: Tommy and Cody Champion, Magen and Steven Clarke, Dwight and Ian Peterson, Fini and Pete Sinamoni, Don and Sam Sheffield, Dennis, Dylan and Jimmie McBride, Lois, Shane, Brandon and Johnathan Brekke, Ken and Cole Reimann, Larry and Ron Pope; **YMCA Leaders Club**: Linda Garcia, Anthony Smith, Nicole Page, David Grieser, Krista Johnson, Kristen Hallstrom, Tera Ferguson, Caroline Hallstrom, Nick Westlake.

Public Works Committee Items

Motion was made by Kooiker, seconded by Rodriguez and carried to continue No. 04FV002 – **Fence Height Exception** for Fisk Land Surveying & Consulting Engineers, Inc., for Dan O'Brien to allow a six to eight foot high fence within the required 25 foot front yard setback, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive, to June 7, 2004.

The next item before the Council was No. PW051104-08 - Authorize Mayor and Finance Officer to sign a **Professional Service Agreement** with Ferber Engineering to design Fairgrounds East Drainage Improvements Project No. DR04-1389 for an amount not to exceed \$5,405. Motion was made by Kooiker, seconded by French and carried to deny this item and request that the Engineering Division handle this project.

The next item before the Council was No. 04FV004, a **Fence Height Exception** for Dennis and Jolene Smith to allow a seven foot six inch fence in a Low Density Residential District on Lot 9 of Tract P of Tract F, Block 10, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, South Dakota, located at 728 Wright Court. Motion was made by Kooiker and seconded by Hadley to approve the Fence Height Exception with the following stipulations: 1) Prior to initiation of construction of the fence, a Building Permit shall be obtained; and, 2) The height of the fence shall be consistent with the existing fence located on the property to the south. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV005, a **Fence Height Exception** for Scott and Diane O'Connor to allow a six foot privacy fence in the front yard setback on Lot 6, Block 8, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4304 Titan Drive. Motion was made by Kooiker and seconded by French to approve the requested Fence Height Exception. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV006, a **Fence Height Exception** for Russ Ryherd to allow a six foot fence in a Low Density Residential Zoning District on Lot 1, Block 6, Northbrook Village Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4203 Three Rivers Drive. Motion was made by Kooiker and seconded by

French to approve the requested Exception, with the following stipulation: 1) Prior to City Council approval, a revised site plan shall be submitted for review and approval showing a landscape buffer between the existing fence and Country Road. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV007, a **Fence Height Exception** for Bryan Schnell for Canyon Lake Little League to allow an eight foot fence in a Park Forest District and Flood Hazard District on Tract 8 (also in Section 4 and 10, T1N, R7E), Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1610 32nd Street. Motion was made by Kooiker, seconded by French and carried to approve the requested Exception, with the following stipulations: 1) A building permit shall be obtained prior to the initiation of construction; 2) Prior to issuance of a Building Permit, an 11-6-19 SDCL Review must be approved by Planning Commission; 3) Prior to issuance of a Building Permit, a revised site plan showing all utilities located in the area of the proposed batting cage shall be submitted; and, 4) Prior to issuance of a Building Permit, a revised site plan showing all portions of the batting cage located a minimum of 10 feet from the existing water and sewer mains shall be submitted for review and approval.

Approval of Bills

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

Payroll Paid Ending 05-01-04, Paid 05-07-04	643,041.44
Payroll Paid Ending 05-01-04, Paid 05-07-04	1,580.80
Pioneer Bank, Taxes Paid 05-07-04	155,542.59
Pioneer Bank, Taxes Paid 05-07-04	119.78
First Administrators, claims paid 5-05-04	59,257.09
First Administrators, claims paid 5-11-04	45,259.13
Berkley Risk Administrators, April claim payments	21,445.88
Computer Bill List	3,241,510.55
Total	<u>\$4,167,757.26</u>

Payroll Paid Ending 05-01-04, Paid 05-07-04	2,700.61
Pioneer Bank, Taxes Paid 5-07-04	199.99
City of Rapid City, postage	9.52
City of Rapid City, April health insurance	792.00
Dakota Business Center, copier maintenance	4.87
SD Retirement System, April pension	290.30
Standard Life, insurance	7.92
Total	<u>\$4,171,762.47</u>

City Attorney's Items

Motion was made by Hadley, seconded by Rodriguez and carried to go into executive session to discuss pending litigation, contractual matters and personnel issues.

The Council came out of executive session at 11:30 P.M. with the following members present: French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge.

Motion was made by Rodriguez, seconded by French and carried to authorize the Mayor, Finance Officer and City Attorney to execute a settlement agreement in the matter of the subrogation with Douglas Malone on behalf of the workers comp fund.

Motion was made by Waugh, seconded by French and carried to table the request to negotiate with Federal Beef for clean-up of the property.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:35 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)