

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 21, 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, June 21, 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 City Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Growth Management Director Marcia Elkins, City Attorney Jason Green and Administrative Assistant Jackie Gerry.

Approval of Minutes

Motion was made by Waugh, seconded by Rodriguez and carried to approve the minutes of June 7, 2004 and Special Council of June 7, 2004.

Adoption of the Agenda

The following items were added to the agenda:

- Septic System Policy (Alderperson Items – Kooiker)
- Adult Oriented Business (Alderperson Items – French)
- Farewell Remarks (Alderperson Items – Rodriguez)
- Approve Travel Request (Policy Department Items)
- Executive Session (City Attorney's Items)

Motion was made by Kroeger, seconded by Waugh and carried to adopt the agenda as amended.

General Public Comment

Rodriguez moved, seconded by Murphy and carried to table comments by Bob DeMersseman, Rapid City Economic Development.

Bid Openings

The following companies submitted bids for No. CC062104-01 **Gasoline and Diesel Fuel** for the Various City Departments: 1) Moyle Petroleum and 2) Flannery Oil Company. Staff has reviewed the bids and recommend award to Flannery Oil Company. Motion was made by French, seconded by Murphy and carried to award the bid for Gasoline and Diesel Fuel to Flannery Oil Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid.

The following companies submitted bids for No. CC062104-01 One (1) New Current Model Year **Articulating Motor Grader with Wing Plow** for the Street Division: 1) Sheehan Mack Sales, 2) RDO Equipment Company, 3) Butler Machinery, 4) J D Evans Company and 5) Kirk Hanson. Staff has reviewed the bids and recommend award to RDO Equipment Company. Motion was made by Kroeger, seconded by Rodriguez and carried to award the bid for an Articulating Motor Grader with Wing Plow to RDO Equipment Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid for a total contract amount of \$169,525.

The following companies submitted bids for No. CC062104-01 One (1) New Current Model Year **Storm Sewer Cleaning Combination Jet/Vacuum Machine** for the Street Division: 1) Sheehan Mack Sales, 2) Sheehan Mack Sales and 3) Eddie's Truck Sales, Inc. Staff has reviewed the bids and recommend award to Sheehan Mack Sales. Motion was made by Kroeger, seconded by Rodriguez and carried to award the bid for a Storm Sewer Cleaning Combination Jet/Vacuum Machine to Sheehan Mack Sales, the lowest responsible bidder meeting specifications, based on their low unit prices bid for a total contract amount of \$208,348.

The following companies submitted bids for No. CC062104-01 One (1) New Current Model Year **10' Dump Truck** for the Street Division: 1) Eddie's Truck Sales, 2) Eddie's Truck Sales, 3) West River International and 4) West River International. Staff has reviewed the bids and recommend award to West River International. Motion was made by Kroeger, seconded by Rodriguez and carried to award the 10' Dump Truck to West River international, the lowest responsible bidder meeting specifications, based on their low unit prices bid for a total contract amount of \$61,120.

The following companies submitted bids for No. CC062104-01 Two (2) New Current Model Year **Sander Trucks with Plows** for the Street Division: 1) Eddie's Truck Sales, 2) Eddie's Truck Sales and 3) West River International. Staff has reviewed the bids and recommend award to Eddie's Truck Sales. Motion was made by Kroeger, seconded by Rodriguez and carried to award the bid for two Sander Trucks with Plows to Eddie's Truck Sales, the responsible bidder meeting specifications, based on their unit prices bid for a total contract amount of \$193,708.

The following companies submitted bids for No. CC062104-01 One (1) New Current Model Year **13' Tandem Dump Truck with Slide-In Sander** for the Street Division: 1) Eddie's Truck Sales, 2) Eddie's Truck Sales and 3) West River International. Staff has reviewed the bids and recommend award to Eddie's Truck Sales. Motion was made by Rodriguez, seconded by Murphy and carried to award the 13' Tandem Dump Truck with Slide-In Sander to Eddie's Truck Sales, the responsible bidder meeting specifications, based on their unit prices bid for a total contract amount of \$122,542.

The following companies submitted bids for No. CC062104-01 **College Park Irrigation Project** No. PR04-1401: 1) Shamrock Enterprises, Inc., 2) Sprinkler Guys, LLC, 3) Carefree Lawn & Sprinkler, Inc., and 4) Rockingtree Landscape, Inc. Staff has reviewed the bids and recommend award to Shamrock Enterprises, Inc. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for PR04-1401 to Shamrock Enterprises, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$43,273.54.

Items from the Mayor

Mayor Shaw presented the Citizen of the Month award to the Civil Engineering Department of the South Dakota School of Mines and Technology (Dr. Scott Kenner accepting on their behalf) and commended them for their outstanding work on restoring and returning the old 1911 water fountain to downtown Rapid City.

Items from Council Members/Liaison Reports

Alderman Kooiker addressed the Committee rules and procedures regarding actions by a committee that can table or continue an item. The issue of concern was ordinances, specifically the ordinance addressing campaign finance reform. Kooiker suggested amending the rules and procedures to require agenda items table or continued to be placed on the Council's agenda for final consideration.

Motion was made by Kooiker, seconded by Kriebel to Amend the Council Rules and Procedures so that any item that comes in front of the Legal & Finance/Public Works Committee, including ordinances, that is tabled, continued or otherwise disposed of without recommendation can be considered for action at the very next Council meeting if the item is included on the Council agenda.

Comments followed from Kriebel and Hanks supporting amending the Council's rules and procedures. Comments followed from Rodriguez, Partridge and Murphy opposing changing the Council's rules and procedures. City Attorney Green advised that procedurally it was inappropriate to discuss the merits of the ordinance at this time. If the Council smoked the item out it could be discussed at the next meeting. He also advised that the Committee could, if they chose, take the item off the table for discussion.

Roll call vote was taken: AYE: Hanks, French, Kooiker, Hadley and Kriebel; NO: Murphy, Rodriguez, Waugh, Kroeger and Partridge. Motion died on a tie vote of 5 to 5.

Aldermen Rick Kriebel and Martha Rodriguez offered their farewell remarks and praised City staff for their efforts.

Motion was made by Kooiker, seconded by Kroeger and carried with Alderman Murphy voting NO to refer the Septic System Policy to the Safe Drinking Water Committee for a recommendation by the August 10, 2004 Public Works Committee meeting.

Alderman French addressed the licensing of employees of Adult Oriented Businesses and expressed her disappointment that this requirement was not passed.

Awards and Recognitions

At this time Mayor Shaw recognized Ward One Alderman Alan Hanks and thanked him for his service to the community.

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

RESOLUTION

WHEREAS, Alan Hanks has served as Ward One Alderman for the City of Rapid City, South Dakota since May 1998; and

WHEREAS, Alan Hanks has provided the citizens guidance and leadership during his tenure serving on a variety of committees during the past six years; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Alan Hanks for his dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Alan Hanks be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 21st day of June, 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 Kooiker. The following voted AYE: French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None whereupon said Resolution was declared duly passed and adopted.

Mayor Shaw also recognized Ward Five Alderman Rick Kriebel and thanked him for his service to the community.

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

RESOLUTION

WHEREAS, Rick Kriebel has served as Ward Five Alderman for the City of Rapid City, South Dakota since May 2000; and

WHEREAS, Rick Kriebel has provided the citizens guidance and leadership during his tenure serving on a variety of committees during the past four years; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Rick Kriebel for his dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Rick Kriebel be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

Mayor Shaw also recognized Ward Three Alderman Martha Rodriguez and thanked her for her service to the community.

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

RESOLUTION

WHEREAS, Martha Rodriguez has served as Ward Three Alderman for the City of Rapid City, South Dakota since May 2001; and

WHEREAS, Martha Rodriguez has provided the citizens guidance and leadership during her tenure serving on a variety of committees during the past three years; and

WHEREAS, the City Council of Rapid City, on behalf of the citizens of Rapid City, takes this opportunity to express their gratitude and appreciation to Martha Rodriguez for her dedication and commitment to service.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City, that the many accomplishments of Martha Rodriguez be recognized and become a permanent part of the record of the City of Rapid City for future generations to see.

Dated this 21st day of June, 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 Kooiker. The following voted AYE: Hanks, French, Kooiker, Murphy, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None whereupon said Resolution was declared duly passed and adopted.

Motions for Delivery of Item From Committee

Motion was made by Hanks, seconded by Hadley to Direct the Legal and Finance Committee to deliver item No. LF061604-03 Introduction and First Reading of Ordinance No. 4073 Requiring Year End Campaign Finance Reporting for Mayor and Aldermen Candidates to the City Council meeting on July 6, 2004. The motion carried with Alderman Murphy voting NO; and Alderman Rodriguez abstaining.

Continued Items Consent Calendar – Items 15-34

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

Continue the following items until July 6, 2004:

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

19. 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.
20. 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.
21. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
22. No. 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.
23. No. 04PL023 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills P.R.D. and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills P.R.D., and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills P.R.D. all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
24. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of

Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.

25. No. 04PL055 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Preliminary Plat** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located along Holy Cow Ranch Road.
26. No. 04PL059 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Blocks 3 thru 7 of Block 5, Lots 1 thru 4 of Block 7, Auburn Hills Subdivision, and Major Drainage Easement in the NW1/4 of the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Auburn Drive and Coal Bank Drive.
27. No. 04PL060 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the future intersection to Elm Avenue and Field View Drive.
28. No. 04PL065 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Preliminary Plat** on Lots 1 of South Gate Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 SW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of 5th Street along Sidewinder Boulevard.
29. No. 04PL068 - A request by Centerline Inc. for Magheramore, LLC for a **Preliminary Plat** on Lots 1 thru 9, Block 1, Darlington Estates, located in the Section 34, T1N, R8E, BHM, Pennington County, South Dakota, legally described as that portion of the NE1/4 lying west of railroad right-of-way; N1/2 NW1/4; SE1/4 NW1/4; NE1/4 SW1/4, Section 34, T1N, R8E, BHM, Pennington County, South Dakota; that portion of the NE1/4 NE1/4 lying east of Old Folsom Road, Section 33, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Lamb Road and Old Folsom Road.
30. No. 04SV026 - A request by Centerline, Inc. for Horizon Properties, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street.
31. No. 04SV031 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. 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 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; thence travel 1878.59 feet at a bearing S89°27'22"E to a point; thence travel 59.93 feet at a bearing N00°32'38"E to the Point of Beginning; travel 213.89 feet at a bearing N34°24'28"W to a point on a curve; thence travel 38.11 feet along a 210.00 foot radius Concave Northwesterly curve with a chord bearing N39°36'25"W to a point; thence travel 166.06 feet at a bearing N44°48'23"W to a point on a curve; thence travel 333.97 feet along a 190.00 foot radius Convex Northeasterly curve with a chord bearing N05°32'55"E

to a point; thence travel 219.73 feet at a bearing N55°19'07"E to a point; thence travel 267.59 feet at a bearing S34°35'20"E to a point; thence travel 300.18 feet at a bearing S45°00'00"W to a point; thence travel 303.00 feet at a bearing S34°24'28"E to a point; thence travel 108.34 feet at a bearing of S45°10'38"W the Point of Beginning; said parcel contains approximately 3.23 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.

32. No. 04SV032 - A request by Wyss Associates, Inc. for Web Real Estate Holdings Co. 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 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; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 164.96 feet at a bearing N45°10'32"E to a point; thence travel 301.36 feet at a bearing N45°24'39"E to a point; thence travel 210.28 feet at a bearing N54°45'23"E to a point; thence travel 48.86 feet at a bearing S15°57'26"W to a point; thence travel 406.85 feet at a bearing S00°46'13"W to a point; thence travel 484.47 feet at a bearing N89°27'22"W to the Point of Beginning; and, commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; thence travel 1819.43 feet at a bearing S89°27'22"E to a point to the Point of Beginning; travel 484.47 feet at a bearing S89°27'22"E to a point; thence travel 121.99 feet at a bearing S00°46'13"W to a point; thence travel 282.52 feet at a bearing S75°51'59"W to a point on a curve; thence travel 420.51 feet along a 437.22 foot radius Concave Southwesterly curve with a chord bearing S65°50'38"W to a point; thence travel 27.01 feet at a bearing N54°20'05"W to a point on a curve; thence travel 173.71 feet along a 100.00 foot radius Convex Northwesterly curve with a chord bearing N04°34'14"W to a point; thence travel 273.99 feet at a bearing N45°10'32"E to the Point of Beginning; said parcel contains approximately 5.60 acres more or less, located west of the western terminus of Fairmont Boulevard and north of Tower Road.
33. No. 04VE010 - A request by Steven Thingelstad for Western Management Corporation for a **Vacation of Major Drainage Easement** 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.
34. No. 04VE011 - A request by Mike Bartels for Alice Laselle for a **Vacation of Utility Easement** on Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3963 East Highway 44.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

Mayor Shaw opened the public hearing on the following license applications:

Off-Sale Malt Beverage License Renewal

35. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
36. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
37. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
38. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
39. Flannery Oil Company dba **Corner Pantry-Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal

40. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
41. Kusler Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
42. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
43. Big D Oil Company dba **Big D Oil Company Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
44. Big D Oil Company dba **Big D Oil Company Store No. 42**, 850 North Street, for an Off-Sale Malt Beverage License Renewal
45. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
46. Moyle Petroleum Company dba **Common Cents No. 107**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
47. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
48. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
49. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
50. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
51. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
52. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
53. Burnell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal
54. Albertsons, Inc. dba **Albertsons Food Center No. 845**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
55. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal
56. Robert L. Stiehl dba **Circle S Convenient Market**, 310 E. Fairmont Boulevard, for an Off-Sale Malt Beverage License Renewal
57. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
58. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal
59. Wal-Mart Stores, Inc. dba **Wal-Mart Super Center**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewals – No Video Lottery

60. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal
61. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal
62. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal
63. China Buffet Express, Inc. dba **China Buffet**, 740 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal
64. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
65. Rapid City Softball Association dba **Rapid City Softball Assoc.**, 1511 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal
66. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal

67. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
68. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
69. Black Hills Amateur Baseball, **McKeague Field**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal
70. Hot Wild LLC dba **Black Hills Harley Davidson**, 3030 Lange Ranch Road, for an On-Off Sale Malt Beverage License Renewal
71. Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
72. Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
73. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
74. Ristorante Marsala, Inc. dba **Ristorante Marsala**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal
75. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
76. Mai T. Goodsell dba **Saigon Restaurant**, 221 East North Street, for an On-Off Sale Malt Beverage License Renewal
77. Piesano's Pacchia, Inc. dba **Piesano's Pacchia**, 3618 Canyon Lake Drive, Suite 121, for an On-Off Sale Malt Beverage License Renewal
78. Waneta & Dick Ragels dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal
79. Wine Cellar Restaurant LLC dba **Wine Cellar Restaurant**, 513 Sixth Street, for an On-Off Sale Malt Beverage License Transfer (from Wine Cellar 507 LLP)
80. Wine Cellar Restaurant LLC dba **Wine Cellar Restaurant**, 513 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
81. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal
82. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal
83. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal
84. Dan T. Ly dba **The Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal
85. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License Renewal
86. Li Zhu Zhu dba **Hong Kong Buffet**, 927 E. North Street, for an On-Off Sale Malt Beverage License Renewal
87. The Museum Alliance of Rapid City dba **The Journey Museum**, 222 New York Street, for an On-Off Sale Malt Beverage License Renewal
88. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 West Main Street, for an On-Off Sale Malt Beverage License Renewal
89. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal
90. Mann, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal

On/Off Sale Malt Beverage License Renewals

91. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
92. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
93. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal

94. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street, for an On-Off Sale Malt Beverage License Renewal
95. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
96. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
97. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
98. Continental Leisure, Inc. dba **Carousel Casino**, 2050 West Main Street, for an On-Off Sale Malt Beverage License Renewal
99. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, Space 330, for an On-Off Sale Malt Beverage License Transfer (location only)
100. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, Space 330, for an On-Off Sale Malt Beverage License Renewal
101. Rapid City **Elks Lodge** No. 1187, 3333 E. 39th Street, for an On-Off Sale Malt Beverage License Renewal
102. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Transfer (from Clock Tower Lounge)
103. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
104. Shooters, Inc. dba **Shooters**, 2424 West Main Street, for an On-Off Sale Malt Beverage License Renewal
105. Poker Joe's Inc. dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
106. Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (inactive)
107. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
108. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal
109. South Dakota Vending, Inc. dba **Happy Jacks – Cambell**, 1601 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
110. South Dakota Vending, Inc. dba **Happy Jacks – Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
111. South Dakota Vending, Inc. dba **Happy Jacks East**, 909 E. St. Patrick Street, No. 20, for an On-Off Sale Malt Beverage License Renewal
112. South Dakota Vending, Inc. dba **Happy Jacks Far West**, 1925 W. Main Street, Suite 2, for an On-Off Sale Malt Beverage License Renewal
113. South Dakota Vending, Inc. dba **Happy Jacks Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
114. South Dakota Vending, Inc. dba **Happy Jacks West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
115. Omaha Players Company dba **Happy Jacks – Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
116. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
117. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
118. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
119. M&B Investments, Inc. dba **Hideaway Casino**, 1575 N. LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Renewal
120. D&S Time Square, Inc. dba **Breakroom Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
121. The Retired Enlisted Association dba Chapter 29, 905 E. North Street, for an On-Off Sale Malt Beverage License Renewal

122. I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
123. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
124. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
125. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
126. Angie's, Inc. dba **Angie's**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
127. Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal

On-Sale Wine License

128. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, for an On-Sale Wine License (New License – No Video Lottery)

Special Malt Beverage and Wine Licenses

129. Pennington County Bar Association, for a Special Malt Beverage and Wine License to be used on July 13, 2004 at Prairie Edge, 606 Main Street

Alderman French spoke in opposition to renewing the licenses for the Perkins Restaurants as she believed they circumvented State law on the smoking ban by offering a limited choice of distilled beverages from 5 to 9, Monday through Saturday. Upon an inquiry from Alderman Rodriguez on denying a license, City Attorney Green advised that once a license is issued there are only two considerations in the licensing question - the character of the applicant and the location of the license. The fact that they allow smoking in the establishments is not a basis to deny the license.

Motion was made by Hanks, seconded by Waugh and carried to close the public hearing.

Motion was made by Hanks, seconded by Hadley and carried with Alderman Rodriguez voting NO to approve the above listed applications with the exception of Item Nos. 71, 72, and 90.

Motion was made by Waugh, seconded by Rodriguez to Approve Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal. Roll call was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley, Kriebel and Partridge. On a 5 to 5 tie vote, Mayor Shaw voted AYE. Motion carried.

Motion was made by Waugh, seconded by Rodriguez to Approve Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Roll call was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley, Kriebel and Partridge. On a 5 to 5 tie vote, Mayor Shaw voted AYE. Motion carried.

Motion was made by Partridge, seconded by Hanks and carried to continue Mann, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal to the July 6, 2004 Council meeting.

Motion was made by Hanks, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, July 6, 2004 - Children's Care Rehab & Dev Center, for a Special Malt Beverage and Wine License, to be used on August 11, 2004 at Legend Air Suspension 1820 Samco Road.

Consent Calendar Items – 131-163

The following items were removed from the Consent Calendar:

131. No. PW061504-01 Approve the West Boulevard signs as informational public signs, and authorize the installation of the signs in the public right-of-way for the West Boulevard Association by Nathan Degen, Troop 44 as an Eagle Scout Leadership Service Project.
133. Request the Mayor's Office to write a procedural resolution on an engineer's endorsement and acceptance of liability.

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

Public Works Committee Consent Items

132. No. PW060104-01 Request the petitioner, Larry Wichmann, Our Redeemer Lutheran Church, 910 Wood Avenue to work with the Engineering Division staff to come up with a workable solution on the use of the public right-of-way for parking.
134. No. PW061504-02 Approve Change Order No. 03 and Final for Hawthorne Avenue Street and Utilities Reconstruction Phase Two Project No. SS02-954 to Heavy Constructors, Inc. for a decrease of \$40,809.72.
135. No. PW061504-03 Approve Change Order No. 06 for Omaha Street Water & Sewer Utilities and Median Beautification Project No. SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete Contractor, Inc. for increase of \$26,264.09.
136. No. PW061504-04 Approve Change Order No. 01 for Whitehead Ballfields Improvements Restroom and Picnic Shelter Project No. PR04-1332 to Tru-Form Construction, Inc. for an increase of \$1,572.77.
137. No. PW061504-05 Approve Change Order No. 01 for Meadowbrook Golf Course cart Storage Building No. 2 Project No. GC04-1366 to Lost Cabin/Lipp Construction, LLC for an increase of \$8,140.15.
138. No. PW061504-06 Authorize staff to advertise for bids for Street Division Sand/Salt Storage Building No. 3 Project No. IDP04-1408.
139. No. PW061504-07 Authorize Mayor and Finance Officer to sign a Joint Powers Agreement between the State of South Dakota Department of Military and Veterans Affairs and the City of Rapid City.
140. Request staff to look for another west Rapid City site to relocate the yard waste collection operation and bring forward a recommendation within thirty days.
141. Approve an Agreement between the City of Rapid City and Dr. Pev Evans to Improve City Parkland for a Public Parking Lot on Dakota Drive.
142. No. 04VE013 Approve a Vacation of Non-Access Easement for petitioner Dream Design International Inc. on Lot 16, Block 11, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Muirfield Drive and west of Maidstone Court.

**RESOLUTION OF VACATION OF
NON-ACCESS EASEMENT**

WHEREAS it appears that the non-access easement on Lot 16, Block 11, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Muirfield Drive and west of Maidstone Court, is not needed for public purposes; and

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

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

Dated this 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Legal & Finance Committee Consent Items

143. Request staff to draft an amendment to the sign code ordinance regarding spacing and size requirements to allow for a variance for relocation of existing signs due to public improvement projects for the June 30, 2004 Legal and Finance Committee meeting.
144. No. LF061604-01 Approve appointment of Glen Delabarre to Mechanical Board.
145. No. LF061604-02 Approve appointment of Mark Hirsch and Kyle Mattison to Historic Sign Committee.
146. No. LF061604-04 Approve Event Permit for Alex Johnson Hotel for motorcycle parking during the Sturgis Rally from August 5-15, 2004.
147. No. LF061604-05 Approve Event Permit for Rapid City Police Department for Cruiser Night on June 26, 2004.
148. No. LF061604-06 Approve Event Permit for Rapid City YMCA for annual street dance on August 6, 2004.
149. No. LF061604-07 Approve Travel Request for Jon Dicks to attend training course to enhance training, experience and confidence in science of fingerprints in Decatur, Georgia, from December 4-11, 2004, in the approximate amount of \$1,777.
150. No. LF061604-09 Approve the Consolidated Annual Performance and Evaluation Report (CAPER – Fiscal Year 2003).
151. No. LF061604-10 Authorize Mayor and Finance Officer to sign Agreement with Basin Electric Power.
152. No. LF061604-11 Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.
153. No. LF061604-15 Approve Resolution Declaring Property Surplus.

154. No. LF061604-12 Authorize Mayor and Finance Officer to sign Agreement to Furnish Security by Mt. States Investigations & Security, Inc.
155. No. LF061604-13 Approve Travel Request for Joel Landeen to attend ALI-ABA Planning, Regulation, Litigation, Eminent Domain and Compensation Seminar in Boston, MA, August 25-29, 2004 in the approximate amount of \$1,842.
156. Approve the following licenses: Electrical Apprentice: Monty Bollock, Warren Buffalo, Jr., Andrew J. Coffey, Cory Drake, Neal Drury, Dustin Freed, Christopher Kendrick, Jody Millage, Duke Miller, Shane Novotny, Justin Riggs, Brandon White; Electrical Journeyman: Charles T. Freeman, Dale Leenknecht, Larry Tibbs; Electrical Contractor: Dean Hartford, Hartford Electric, Inc.; Plumber: Ivan Fischer, Roger Johnson; Residential Contractor: Duane Boomsma; Corey Crowder, Crowder R & D; FD Construction, Inc., Ford Dodds; Dennis Spencer – Flannery Oil, Kelly Flannery.

Planning Department Consent Items

157. No. 04AN004 - A request by Dream Design International, Inc. for a **Petition for Annexation** on a parcel of land located in the NE1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at a point on the center quarter corner of Section 3, T1N, R8E, BHM, being the Point of Beginning S01°55'13"W 32.76 feet; thence S00°11'11"E 88.67 feet; thence S00°09'00"E 534.94 feet; thence S00°14'00"E 78.04 feet; thence S00°08'24"E 79.09 feet; thence S00°25'02"E 76.82 feet; thence S00°25'12"E 131.95 feet; thence S89°43'28"W 227.75 feet; thence along a curve of said right-of-way Degeest Drive to the left having a radius of 209.15 feet through a central angle of 04°06'34" 15.00 feet along said curve of said right-of-way Degeest Drive; thence N89°45'15"E 100.33 feet; thence N00°15'47"W 114.37 feet; thence N45°19'06"W 155.71 feet; thence N40°36'54"W 801.34 feet; thence N28°02'56"W 84.11 feet; thence N10°47'21"W 75.92 feet; thence N89°56'03"E 9.86 feet; thence N00°09'17"W 26.01 feet; thence N89°56'03"E 802.06 feet; to the Point of Beginning; containing 11.00 acres more or less, located east of Degesst Drive and north of Avenue A.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 11 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

A parcel of land located in the NE1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Beginning at a point on the center quarter corner of Section 3, T1N, R8E, BHM, being the Point of Beginning S01°55'13"W 32.76 feet; thence S00°11'11"E 88.67 feet; thence S00°09'00"E 534.94 feet; thence S00°14'00"E 78.04 feet; thence S00°08'24"E 79.09 feet; thence

S00°25'02"E 76.82 feet; thence S00°25'12"E 131.95 feet; thence S89°43'28"W 227.75 feet; thence along a curve of said right-of-way Degeest Drive to the left having a radius of 209.15 feet through a central angle of 04°06'34" 15.00 feet along said curve of said right-of-way Degeest Drive; thence N89°45'15"E 100.33 feet; thence N00°15'47"W 114.37 feet; thence N45°19'06"W 155.71 feet; thence N40°36'54"W 801.34 feet; thence N28°02'56"W 84.11 feet; thence N10°47'21"W 75.92 feet; thence N89°56'03"E 9.86 feet; thence N00°09'17"W 26.01 feet; thence N89°56'03"E 802.06 feet; to the Point of Beginning.

Dated this 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

158. No. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.
159. 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.
160. 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.
161. No. 04PL066 - A request by Sperlich Consulting Inc. for Richard Huffman for a **Layout Plat** on Lots 5R and 6R of Lot 3 of Block 4 of Grandview Tract; and, Lot 4 of Block 2 of Parkridge Village No. 2; all located in the SW1/4 of the NE1/4, the NW1/4 of the NE1/4, and the SE1/4 of the NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 5 and 6 of Lot 3 of Block 4 of Grandview Tract, a portion of the SW1/4 of the NE1/4 and a portion of the NW1/4 of the NE1/4 of Section 16; a portion of the SW1/4 of the NE1/4 of Section 16; all located in the SW1/4 of the NE1/4, the NW1/4 of the NE1/4, and the SE1/4 of the NW1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive.
162. No. 04PL067 - A request by Sperlich Consulting Inc. for Tom Gagliano for a **Layout Plat** on Lots 8A, 8B and 9B, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 8 and 9, Block 2, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1501 Pevans Parkway and 3289 Sandstone Lane.

Raffle

163. Motion was made by Kooiker, seconded by Rodriguez and carried to Acknowledge the sale of raffle tickets for Harley Davidson leather jacket, Children's Home Society

END OF CONSENT CALENDAR

No. PW061504-01 Motion was made by Rodriguez, seconded by Kroeger to Approve the West Boulevard signs as informational public signs, and authorize the installation of the signs in the public right-of-way for the West Boulevard Association by Nathan Degen, Troop 44 as an Eagle Scout Leadership Service Project with the following stipulation: approval of the 11619 review and the Historic Preservation Committee. Alderman Partridge offered a friendly amendment that if so deemed, the 11619 and Historic Preservation Committee would not be necessary, the project would proceed. Amendment was accepted by the motion maker. Upon a vote being taken on the amended motion, the motion carried.

Motion was made by Kroeger, seconded by Rodriguez to Approve the Design Review Procedure as distributed. George Dunham, Chairman of the Development Appeals and Review Board spoke in support of the document. Substitute motion was made by Hanks, second by Hadley to refer this item to the Legal & Finance Committee to allow staff an opportunity to review the policy. Alderman Kroeger suggested the Mayor has the ability to direct staff to follow the policy without Council approval. Second substitute motion was made by Waugh, second by Rodriguez to Approve the Design Review Procedure and request the City Attorney's Office to review the policy. Mayor Shaw ruled the second substitute motion out of order as it was substantially the same as the original motion. With the consent of the full Council, Alderman Hanks withdrew his substitute motion. Upon a vote being taken on the original motion, the motion carried.

Motion was made by Hadley, seconded by Rodriguez and carried to reconsider Item No. 127 Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal.

Motion was made by Hadley, seconded by Rodriguez to Approve Item No. 127 Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal. Upon a vote being taken, the motion carried with Alderman Waugh abstaining.

Motion was made by Hanks, seconded by Hadley and carried to reconsider Item No. 71 Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal; and Item No. 72 Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal.

Alderman Hanks pointed out Perkins Restaurants were granted an On-Off Sale Malt Beverage License so that they could allow smoking. He suggested this was circumventing the rules. He suggested if they were not willing to sell beer during all hours of operation, they should not have the license.

Motion was made by Hanks, seconded by French to deny Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal.

Upon a request from City Attorney Green to continue for two weeks, a substitute motion was made by Rodriguez, seconded by Murphy to continue Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal to the July 6, 2004 City Council meeting. Comments followed relative to allowing the applicant an opportunity to address this license renewal. Upon a roll call vote, the following voted AYE:

Murphy, Rodriguez, Waugh and Kroeger; NO: Hanks, French, Kooiker, Hadley, Kriebel and Partridge. Substitute motion failed on a 4 to 6 vote.

Upon a roll call vote on the original motion to deny, the following voted AYE: Hanks, French, Kooiker, Hadley, Kriebel and Partridge; NO: Murphy, Rodriguez, Waugh and Kroeger. Motion carried on a 6 to 4 vote.

Motion was made by Rodriguez, seconded by Murphy to continue Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal to the July 6, 2004 City Council meeting.

Substitute motion was made by Hanks, seconded by French to deny Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon a roll call vote, the following voted AYE: Hanks, French, Kooiker, Hadley, Kriebel and Partridge; NO: Murphy, Rodriguez, Waugh and Kroeger. Motion carried on a 6 to 4 vote.

Planning Department Items

The Mayor presented No. 04CA020, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.22 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 1.22 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA021, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on an 11.22 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on an 11.22 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA022, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.48 acre parcel from General Commercial with a**

Planned Commercial Development to Office Commercial with a Planned Commercial Development located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.48 acre parcel from General Commercial with a Planned Commercial Development to Office Commercial with a Planned Commercial Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA023, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.27 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.27 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA024, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.26 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.26 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA025, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.63 acre parcel from Low Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development, 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; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less; and good cause appearing therefor

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

Dated this 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA026, a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.78 acre parcel from Park Forest to Low Density Residential II with a Planned Residential Development** located west of the western terminus of Fairmont Boulevard along Tower Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.78 acre parcel from Park Forest to Low Density Residential II with a Planned Residential Development, 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; 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA027, a request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC to consider an application for an **Amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Map from Medium Density Residential to General Commercial with a Planned Development Designation** located at 1125 North Lacrosse Street. The following Resolution was introduced, read and Hanks 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 21st day of June, 2004 to consider an amendment to the Comprehensive Plan to change the North Rapid Neighborhood Future Land Use Map from Medium Density Residential to General Commercial with a Planned Development Designation, on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2

of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, 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 21st day of June, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04PD024, a request by Dream Design International, Inc. for a **Planned Development Designation - Initial and Final Development Plan** on a parcel of land located in a portion of the S1/2 SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: beginning at the center 1/4 corner of said Section 3, Thence N79°15'36"E, 215.44 feet to the true point of beginning; Thence N00°16'55"W, 21.09 feet to the point of curvature; thence northerly along the arc of said curve to the left whose radius 226.00 feet and whose central angle is 47°20'54", an arc length of 186.76 feet to a point of tangency; Thence N47°37'49"W, 24.13 feet to a point of curvature; thence northerly along the arc of said curve to the right whose radius is 174.00 feet and whose central angle is 47°20'54", an arc length of 143.79 feet to a point of tangency; Thence N00°16'55"W, 64.25 feet to a point; Thence N44°47'19"E, 14.12 feet to a point, thence N89°51'34"E, 1067.26 feet to a point; Thence S45°12'41"E, 14.16 feet to point; S00°16'55"E, 393.20 feet to a point; Thence S44°43'05"W, 14.14 feet to a point; Thence S89°43'05"W, 920.52 feet to a point; Thence N45°16'55"W, 14.14 feet to the true point of beginning, said parcel contains 9.688 acres more or less, located south of Homestead Street and north of Patricia Street. Motion was made by Kooiker, seconded by Waugh to approve the requested Planned Development Designation with the following stipulations: 1. A minimum front yard setback of 18 feet in front of the garage and a minimum 15 feet in front of the residence shall be provided for all townhome lots within the Planned Residential Development; 2. A minimum rear yard setback of 25 feet shall be provided for all buildings within the Planned Residential Development, except for detached buildings of accessory use; 3. A Special Exception is hereby granted to allow a maximum height of 38 feet for the main buildings in the apartment complex portion of the Planned Residential Development; 4. Prior to issuance of a building permit or initiation of construction, a revised site plan shall be submitted showing a minimum of six handicapped stalls with one being van accessible; 5. The parking plan shall continually comply with all requirements of the Zoning Ordinance; 6. Prior to issuance of a building permit or initiation of construction, a lighting package shall be submitted showing all lighting provided is arranged so as to provide security and to reflect light toward the parking areas; 7. All on site signage must continually comply with all provisions of the Sign Code; 8. Prior to construction of the fence, a Fence Height Exception to allow a six foot high fence located within the required front yard setback shall be obtained; 9. Prior to issuance of a building permit or initiation of construction, a revised landscape plan shall be submitted showing a landscape buffer between the apartment complex portion of the development and the townhome lots for review and approval; 10. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance; 11. The proposed structures shall conform architecturally to the plans and elevations submitted; 12.

All applicable provisions of the Uniform Fire Code shall be continually met. In particular, hydrants shall be in place and operational prior to or in conjunction with building construction, and all structures within the apartment complex portion of the Planned Residential Development, except for the club house and garages, shall be fully fire sprinkled and alarmed; 13. Prior to issuance of a building permit or initiation of construction, revised construction plans must be submitted addressing the redline comments by Staff; 14. Prior to issuance of a building permit or initiation of construction, a revised site plan showing all driveway approaches being stop controlled intersections shall be submitted for review and approval; 15. Prior to issuance of a building permit or initiation of construction, a revised site plan shall be submitted showing the crosswalk across Homestead Street aligning with the sidewalk access to the school located on the north side of Homestead Street; 16. Prior to issuance of a building permit or initiation of construction, drainage and grading plans for the townhome portion of the Planned Residential Development shall be submitted for review and approval; and, 17. The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years.

Chris Hargens, 1389 Aurora spoke in opposition to the development expressing concern over traffic volume, road maintenance and storm runoff. He indicated their Homeowners' Association maintains the streets. He believed the construction of the apartment complex would impose an unfair burden of the homeowners south of the development. He spoke of a pending law suit against the contractor responsible for the construction of Hanson Street.

With the consent of the Council, Alderman Kooiker withdrew his motion.

Motion was made by Hanks, seconded by Partridge to approve the requested Planned Development Designation with the afore-mentioned stipulations. Comments followed by Hani Shafai, Dream Design International, Inc. on the design of the development. Upon a vote being taken on the motion, motion carried.

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 the installation of curb, gutter, sidewalk, street light conduit, water, sewer, and pavement improvements along an access easement and Skyline Drive as they abut 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. (04SV021)

The Mayor presented 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. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance with the following stipulations: 1. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of five additional feet of right-of-way along Skyline Drive; 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.

The Mayor presented No. 04SV030, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 100 feet to 80 feet** on Lots 2 thru 5, Block 10; and, Lots 17 thru 20, Block 8; all located in MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Parcel C less the Meadows Subdivision and less right-of-way MJK Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Field View Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the

requested Variance with the following stipulations: 1. That a ten foot wide public utility and pedestrian access easement shall be provided along the north lot line of the subject property.

The Mayor presented No. 04SV033, a request by Sperlich Consulting Inc. for Walgar Development for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way along Wisconsin Avenue as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance.

Ordinances & Resolutions

Ordinance No. 4072 (No. LF061604-08) entitled A Ordinance Repealing Chapter 15.12 of the Rapid City Municipal Code in its Entirety and Adopting a New Chapter 15.12 of the Rapid City Municipal Code Entitled Building Codes Adopted, was introduced. Upon motion made by Hanks, seconded by French and carried, Ordinance 4072 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, July 6, 2004.

The Mayor announced the meeting was open for hearing on No. 04RZ023, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4060, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4060 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ024, second reading of **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. Motion was made by Hanks, seconded by Rodriguez to acknowledge the petitioner's request to withdraw the application. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed.

The Mayor announced the meeting was open for hearing on No. 04RZ025, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4062, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4062 the second time.

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 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 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 was published in the Rapid City Journal on May 24, 2004. Ordinance 4063, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by Partridge that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4063 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ027, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4064, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by Partridge that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4064 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ028, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4065, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4065 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ029, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4066, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4066 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ030, second reading of **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. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4067, having had the first reading on May 3, 2004, it was moved by Hanks, seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4067 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ032, second reading of **Ordinance 4069**, 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; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4069, having had the first reading on June 7, 2004, it was moved by Hanks, seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4069 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ033, second reading of **Ordinance 4070**, a request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC to consider an application for a **Rezoning from Medium Density Residential District to General Commercial District with a Planned Development Designation** on the north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1125 North Lacrosse Street. Notice of hearing was published in the Rapid City Journal on June 26, 2004. Ordinance 4070, having had the first reading on June 7, 2004, it was moved by Hanks, seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4070 the second time.

Legal & Finance Committee Items

Motion was made by Hanks, seconded by Waugh and carried to continue discussion of the assignment of the Civic Center ground lease to the July 6, 2004 Council proceedings.

Motion was made by Hanks, seconded by Waugh and carried with Alderman Partridge voting NO to continue No. LF022504-18 Recommendation for "Joint Identification" (Campus) Signs to the Legal and Finance Committee meeting of June 30, 2004.

Public Works Committee Items

Motion was made by Kooiker, seconded by Rodriguez and carried to Approve the Mayor's appointments to the following Utility Rates Committees: Sewer Rate Committee – Aldermen French, Murphy, Olson, Kroeger and Chapman; Water Rate Committee – Johnson, Kooiker, Waugh, Hadley and Partridge

Motion was made by Kooiker, seconded by Rodriguez and carried to continue the Approval of a request from Northdale Sanitary District to annex Lot C and Sewer Lot 1 of Block 1 to the Public Works Committee meeting of June 29, 2004.

Motion was made by Kooiker, seconded by Rodriguez and carried to continue No. 04FV012 a Fence Height Exception for petitioner Dennis Rogers to allow a seven foot six inch fence in a Low Density Residential District on Lot 13, Block 16, South Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 East Indiana Street to the August 2, 2004 Council proceedings.

Approval of Bills

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

First Administrators, claims Paid 6/8/04	\$69,324.17
First Administrators, claims Paid 6/15/04	\$54,403.49
1 st National Bank in Sioux Falls, Bond Payments	\$ 1,727.91
Berkley Risk Administrators, May claim payments	\$42,884.37
Black Hills Power & Light, electricity	\$25,729.41
Computer Bill List	\$4,391,545.95

SUBTOTAL	\$4,585,615.30
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RSVP CIMA Companies, Volunteer Insurance Renewal	\$941.39
RSVP City of Rapid City, Postage	\$12.07
RSVP City Health Ins Trust, May Health	\$702.00
RSVP City Liability Ins Fund, 2004 Bond	\$15.00
RSVP City Unemployment Comp, Annual Premium	\$567.00
RSVP City Workers Compensation, Annual Premium	\$298.00
RSVP SD Retirement System, May Pension	\$290.30
RSVP SD School of Mines & Tech, April Phone	\$53.37
RSVP Standard Life, June Life	\$7.92

SUBTOTAL	\$4,588,502.26
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Stanley J. Johnsen Concrete Contractor, Inc., change order	\$26,264.09
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TOTAL	\$4,614,766.35
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Police Department Items

Captain Allender requested approval of a Travel Request for law enforcement personnel to travel to Sioux Falls, South Dakota for the purpose of evaluating their records technology

program. Motion was made by Rodriguez, seconded by Murphy and carried to Approve a Travel Request for 12-20 law enforcement personnel to attend a records technology program evaluation in Sioux Falls, SD during June, 2004 in the amount of \$1,600.

City Attorney's Items

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

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

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

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)