

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

January 3, 2005

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, January 3, 2005 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Malcom Chapman, Jean French, Ron Kroeger, Tom Johnson, Karen Olson, Sam Kooiker, Bob Hurlbut and Bill Waugh. The following Alderpersons arrived during the course of the meeting: Tom Murphy; and the following were absent: Ray Hadley.

Staff members present included City Finance Officer Jim Preston, Public Works Director Dirk Jablonski, City Attorney Jason Green, Growth Management Director Marcia Elkins, Fire Chief Gary Shepherd, Police Chief Craig Tieszen, Parks and Recreation Director Jerry Cole and Administrative Assistant Jackie Gerry.

**APPROVE MINUTES**

Kroeger moved, second by Chapman to approve the minutes of December 20 and Special Council of December 28, 2004. Substitute motion was made by Hurlbut, second by Waugh to approve the minutes of the Special Council of December 28, 2004 and continue approval of the minutes of December 20. Motion carried.

**ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- 6.a. Swear in new Public Works Director, Dirk Jablonski
- Executive Session to discuss pending litigation, contractual and personnel matters
- Continue agenda item #99 after the executive session
- 7.a. 5<sup>th</sup>/St Cloud intersection traffic issues, Alderman Kooiker

Kroeger moved, second by Waugh and carried to adopt the agenda as amended.

**AWARDS AND RECOGNITIONS**

Judge Michael O'Connor and members of the Imaichi Sister City Association, who recently traveled to Sister City Imaichi, Japan shared with the Council their experiences and gifts received during their visit to Imaichi.

**GENERAL PUBLIC COMMENT**

The Mayor acknowledged Herman F. Jones, Stagecoach West Sign Company, Inc., who made a formal request to appeal the December 15, 2004 decision of the Sign Code Board of Appeals (No. CC010305-01). In response to an inquiry from City Attorney Green, Mr. Jones assured the Council he had presented evidence of his certified mailing as it related to his request and

hearing before the Council. Jones related his ownership of a billboard located along Hwy 16 south of Rapid City near the Lazy J Campground and explained this billboard has been in this location since 1969. He proposed to replace the existing flat-faced billboard with a standard single-pole, V-shaped billboard that will be fifteen feet off the ground. He requested a Variance to the sign height and square foot requirement. He explained that under the current Ordinance, if he removed the billboard, he could not replace his advertising billboard; but the Sign Code Board granted a waiver to put the billboard back up, but with only one face on the billboard. He suggested this directional advertising sign would be more visible above the tree line, and the size of the billboards would remain the same size as the flat-faced billboard. He stressed the importance of this billboard because of the Department of Transportation's intent to close the access to Hwy 16 for his business. City Attorney Green summarized the discussion of the Sign Code Board of Appeals, explaining they granted the Variance for the spacing, because there are other off-premises signs located in the same area. The sign could not go back up because it did not comply with the spacing requirements. The Sign Code Board granted a Variance for the spacing; however, they did not grant a Variance to allow more than one face on the billboard. He explained this is a prohibitive sign in the ordinance, and it specifically states that the Sign Code Board can not grant a Variance for a prohibitive sign. He pointed out the Sign Code Board did not grant a Variance for the square footage on the face that was allowed. Alderman French suggested it was appropriate to allow the Variances requested; whereupon she moved to grant the Variance for height and square foot. The Chair ruled the motion died for lack of a second. In response to an inquiry from Alderman Johnson, Green advised that it would his opinion the Council does not have the authority to grant a Variance to allow the construction of a prohibitive sign. Responding to a question from Alderman Kroeger, Green explained the off-premise sign code, as adopted, is designed to effect the removal of nonconforming signs. The ordinance accomplishes that through a couple of mechanism; one of those is that it does not allow nonconforming signs to be created, and it does not allow newly created signs to be nonconforming. It requires all new signs meet all the requirements. The Sign Code Board has given a Variance on the spacing which is the extent of what is permissible under the current ordinance. Responding to an inquiry from Alderman Olson, Green pointed out that without the Variance granted by the Sign Code Board there would be no ability to have the sign. Because they did grant a Variance on the spacing, there will be an ability to have some sign but much less that what is being proposed by the applicant. Alderman Hurlbut expressed his concerns on the effects this advertising billboard will have on the business and suggested this item be continued to the Public Works Committee to explore options on how this can be done in a way that least impacts the business while also being in compliance, granting variances, or identifying needs for whatever amendments may be required if that is an identified solution. Substitute motion was made by Hurlbut, second by Kooiker to continue the Formal request to appeal the December 15, 2004 decision of the Sign Code Board of Appeals, Herman F. Jones, Stagecoach West Sign Company, Inc. to the January 11, 2005 Public Works Committee meeting. Motion carried.

The Mayor announced that the meeting was open for consideration of the Security License Application for John Emerson. No one appeared to enter objections to the Police Department's denial of the application. Waugh moved, second by Kooiker to affirm the Police Department's decision to deny a Security License Application for John Emerson. Motion carried.

Paul Brankin, Dakota Plains Legal Services appeared before the Council and explained the organization and its viability as it pertains to future community development block grants.

Tim Collins, 775 West St., #3 appeared before the Council and explained his economic conditions and sought economic counsel. He also explained some health issues focusing on his difficulty with walking because of a back problem; suggested walking in the downtown area during the winter months was unsafe; and commented he had no complaints about the bus system.

### **BID OPENINGS AND AWARD**

The following companies submitted bids for No. CC010305-02 Canyon Lake Dam Maintenance Project No. DR04-1433 opened December 20, 2004: J. V. Bailey Co., Inc. and Quinn Construction, Inc. Staff reviewed the bids and recommends rejection of the bids; whereupon Kroeger moved, second by French and carried to reject all bids.

### **ITEMS FROM THE MAYOR**

At this time, Mayor Shaw recognized Jeff Partridge, who reported on the progress and process of the 2012 program. He reported the 2012 hearings were well attended and the three committees remain focused in their efforts to develop their proposals that will be presented to the Council. He explained two items were discussed at the executive level, and they were the format for the second hearings and a scoring process of the projects to determine their worthiness and whether they meet the criteria. He reported a second round of hearings is scheduled for January 18, 19 and 20, 2005 at the Civic Center. He suggested the Council needed to make a decision on how the money will be collected or spent. He pointed out in the previous plan the City bonded for the program. He reported as the committees go forward in prioritizing the projects, it is their desire to know what funds will be available to each committee. He suggested a Legal & Finance Committee meeting and/or a Special 2012 meeting sometime in February to discuss the alternatives for financing the program. City Finance Officer Preston explained he could not give an exact figure, but could give the best estimate based on what the current bonding rates are and what the City has for projected revenue. Alderman Johnson remarked that as a Council person, he was not interested in the committees spending every dollar they believed was available. Waugh moved, second by Kroeger that the 2012 revenue information be assembled by the Finance Office and presented to the February 1, 2005 Public Works Committee meeting and February 2, 2005 Legal & Finance Committee meeting. Motion carried.

Partridge sought Council direction on the application cut-off and recommended the cut-off for application submittals upon the start of the second round of hearings scheduled January 18, 19 and 20, 2005. Alderman Kooiker suggested the City Attorney's Office review the existing applications for their applicability within the ordinance; and then review the new application submittals after the second round of hearings. He asked that the cut-off deadline be highly publicized and suggested January 18 might be too soon and suggested February. Alderman Johnson suggested it was important the community knows this process; and stressed that the Council will not shut-off comments when the process is done. He suggested the Council must have the ability to manage the 2012 program fully and the Council has final approval of the 2012 program and the projects. Responding to an inquiry from Alderman Hurlbut, Partridge outlined the timeframe of the process explaining that during January there will be an executive committee meeting and the third week are the hearings before the committees. In February the plan is have the committees determine whether there is a need for additional hearings; or

perhaps the Council may want to make that determination. Through the remainder of February and into March the committees plan to do the prioritization process, get the scoring process down, get the Council's decision by mid-February on financing, and present the Council with their decisions. Hurlbut moved, second by French to have the second hearings in January be the deadline for accepting applications, with the stipulation the deadline is highly publicized. Alderman Kroeger expressed concern with the January application deadline, believing there is no rush and suggested a February deadline. Substitute motion was made by Kooiker, second by Johnson to make a request to the 2012 committees to hold a third round of public hearings in February, the City Attorney's Office will review the applications submitted prior to each hearing session, and the third hearing will be the cut-off for the applications. Responding to an inquiry from Partridge, Alderman Kooiker clarified his desire to cut-off the application at that time. Alderman Olson expressed her concern about sufficient public input, suggesting when the committees completed their tasks of the hearings and prioritizing the project, there would be time for public comment on the list of prioritized projects. Upon a vote on the substitute motion, motion carried.

At this time Mayor Shaw administered the Oath of Office to the new Public Works Director, Dirk Jablonski.

#### **ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS**

Parks & Recreation Director Cole provided a brief update on the Deer Herd Management Program pointing out the locations where deer were harvested and the total numbers harvested: Whitetail Does - 66, Mule Does – 121, Whitetail Buck – 5, Mule Buck – 3 for a total of 195 deer harvested. He estimated there were 180 man hours involved in the program and estimated that \$20,274 was spent for bait, supplies, staff time and shooters. He explained the deer were provided to those who had requested a carcass. Alderman Waugh expressed his appreciation to City staff and the shooters for their efforts and display of professionalism and conduct. He explained the task force would continue their efforts to develop a long-term management program.

Alderman Kooiker reported the Path Committee will discuss the intersection of 5<sup>th</sup> Street and St. Cloud traffic issues; as will the Safe Streets Initiative Task Force, who will look at the 5<sup>th</sup> Street from a pedestrian angle. He reported that this intersection, over the years, has experienced a number of problems, particular south-bound turn movements from Star Village. He indicated he had received from the Police Department, statistics regarding the accident history at this intersection. He believed it appropriate to bring the issue of this intersection to the January 11, 2005 Public Works Committee meeting to allow Public Works to talk about it, and the Police Department to talk about the traffic issues. He reported that Rapid Transit is looking at providing more Dial-a-Ride and more RTS service to the Star Village area. Kooiker moved, second by Chapman and carried to refer the 5<sup>th</sup>/St.Cloud intersection traffic issues to the January 11, 2005 Public Works Committee meeting.

#### **CONTINUED ITEMS CONSENT CALENDAR** – Items 8-16

Kroeger moved, second by French and carried to continue the following items as indicated.

Continue the following items until January 17, 2005:

8. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
9. No. 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.
10. No. 04FV014 - A request by Michael Altstiel for a **Fence Height Exception to allow a six foot fence in the front yard setback** on Lot 1, Block 1, Mall Ridge Subdivision No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 504 Lion Drive.
11. No. 04FV019 - A request by FMG Engineering for Menard, Inc. for a **Fence Height Exception to allow a 13'4" high fence in the General Commercial Zoning District and within the 25' front yard setback** on Lots 1, 2, 3 and 6, Tract A, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Eglin Street and East Anamosa Street.
12. 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.
13. No. 04PL129 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 15-17 of Block 1, Lots 7-19 of Block 2, and Lots 2-6 of Block 3, Kennsington Heights Subdivision, located in the SW1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of Government Lot 4 located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elm Avenue and Field View Drive.
14. No. 04PL146 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 11 thru 16 and Lots 31 thru 42, Minnesota Ridge Heights Subdivision, located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion and Tract R of NW1/4 SW1/4 located in the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 0.75 miles west of Fifth Street and Minnesota Avenue.
15. No. 04PL177 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1A thru 5A, 1B thru 5B, 1C thru 5C, and 2D thru 4D Block 21, and Lots 1A thru 5A,

1B thru 5B, 1C thru 5C, and 2D thru 4D Block 22, all located in SE1/4, NW1/4, of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of S1/2 Government Lot 3, Less Big Sky Subdivision and Less right-of-way; S1/2 Government Lot 4, located at the intersection of Degeest and Homestead.

16. No. 04SE002 - A request by Daniel and Lori Smith for a **Special Exception to the Street Design Criteria Manual to allow access from a higher order street** on Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.

End of Continued Items Consent Calendar

### **ALCOHOLIC BEVERAGE LICENSE APPLICATIONS**

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were made. Chapman moved, second by Waugh and carried to close the public hearing.

Johnson moved, second by Waugh and carried to approve the following alcohol license applications.

#### **On-Sale Retail Liquor License**

17. Kathy Johnson dba **Kathy Johnson**, 3220 West Main for a Retail On-Sale Liquor License
18. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road for a Retail On-Sale Liquor License

#### **On-Off Sale Retail Malt Beverage License Transfer**

19. CCKT, Inc. dba King of **Hearts Casino**, 3030 West Main for a Retail On-Off Sale Malt Beverage License Transfer from Nelson's Casino

#### **Special Malt Beverage and Wine License**

20. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on January 8, 2005
21. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on January 15, 2005
22. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on January 22, 2005
23. **Rapid City Fine Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on January 28, 2005

#### ***Set for Hearing (January 17, 2005)***

Waugh moved, second by Johnson and carried to table the request for the following alcohol license application as the applicant is not a nonprofit civic, charitable, educational or fraternal organization.

#### **Special Malt Beverage License**

24. Stockmens Financial Corp. dba **Security First Bank** for a Special Malt Beverage License for use on January 28, 2005

Chapman moved, second by Kroeger and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held on Monday, January 17, 2005.

Special Malt Beverage and Wine License

- 24.a. Jackie Barr dba **Rushmore Soccer Clubs, Inc.** for a Special Malt Beverage and Wine License for use on February 5, 2005

**CONSENT CALENDAR ITEMS** – 25-88

The following items were removed from the Consent Calendar:

36. No. PW122804-12 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with FMG, Inc. for the preliminary design of the reconstruction of Elm Avenue and final design of Meade Street for an amount not to exceed \$202,891.00.
50. No. LF122804-17 Approve preliminary proposed Community Development Block Grant Funding Allocations for Fiscal Year 2005.
51. Request staff to draft an ordinance amendment assigning wards and precincts to the newly annexed areas.
84. No. 04PL162 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 6, Block 3, Eastridge Estates Subdivision, and dedicated street located in the NW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and previously unplatted land residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Enchanted Pines Road along Enchantment Road.
85. No. 04PL163 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2A thru 7A and Lots 1B thru 7B Block 1, Estridge Subdivision, and Lots 1A thru 9A and Lots 1B thru 9B Block 2, all located in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and previously unplatted land residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Enchanted Pines Road along Enchantment Road.

Kroeger moved, second by French and carried to approve the following items as they appear on the consent calendar.

***Set for Hearing (February 7, 2005)***

- 24.b. No. 04VR013 - A request by Fisk Land Surveying & Consulting Engineers for Donald Potts to consider an application for a **Vacation of a portion of undeveloped section**

**line right-of-way** on the SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

***Public Works Committee Consent Items***

25. No. PW122804-01 Approve a request from Jay Fidler to retain two approaches at 2131 Hawthorne Avenue.
26. Authorize staff to move forward with the necessary steps to set a special Miscellaneous Improvement Project to include the construction of a sidewalk along the west side of Sheridan Lake Road from Canyon Lake Drive to the Rapid Creek Bridge and other projects for an estimated cost of \$25,000.
27. No. CC122004-03 Approve Mayor's recommendation to form a sub-committee to include Mayor Shaw, Aldermen Kooiker, Chapman and Olson to address the Skyline Drive historical marker issue and other historical issues; and to bring back a recommendation on the Skyline Drive Historical Marker issue to the Public Works Committee in 30 to 60 days.
28. No. PW122804-04 Approve Change Order No. 3 for the Schamber Addition (Cleghorn Water Association) Water Main Extension Project No. W03-1286 to R.C.S. Construction, Inc. for a decrease of \$11,640.78.
29. No. PW122804-05 Approve Change Order No. 3 for Fifth Street Extension Project No. ST00-914 & Catron Blvd. Project No. ST01-1095 to Zandstra Construction for a decrease of \$234,152.46.
30. No. PW122804-06 Authorize staff to advertise for bids for Haines Avenue North Reconstruction Project No. SSW02-1242.
31. No. PW122804-07 Authorize staff to advertise for bids for Fairmont Boulevard/Mt. Rushmore Road Intersection Improvements Project No. ST03-1251.
32. No. PW122804-08 Authorize staff to advertise for bids for East Mall Drive Connection Project No. SSW03-1334.
33. No. PW122804-09 Authorize staff to advertise for bids to install a culvert crossing for Fairgrounds East Drainage Project No. DR04-1389.
34. No. PW122804-10 Authorize staff to advertise for bids for one (1) current year roll-off truck for the yard waste collection system.
35. No. PW122804-11 Authorize staff to advertise for bids for one (1) used water/fire truck for the Rapid City Landfill.
37. No. PW122804-13 Approve the request for authorization on behalf of J&D Precast to send a request to obtain an "or equal" classification for sewer manholes to the DARB. The specifications for sewer manholes are located in the City of Rapid City Standard Specifications for Public Works 2004 Section 9.2.
38. No. PW122804-14 Approve Out of the Dust Funds in the amount of \$4,323.51 for asphalt paving of a portion of an alley located in Block 9 of the Millard Addition Project No. ST04-1405.
39. No. PW122804-15 Approve Out of the Dust Funds in the amount of \$2,876.64 for asphalt paving of a portion of an alley located adjacent to 4251 Canyon Lake Drive.
40. No. PW122804-16 Acknowledge the Consultant Preselection Committee Report for December 21, 2004.
41. No. PW122804-20 Authorize staff to request proposals to conduct aerial mapping of the landfill property.
42. No. PW122804-21 Accept and approve final payment of \$34,725.00 Rapid Valley Sanitary District per the cost share agreement approved on March 2, 2004 between the City of Rapid City and Rapid Valley Sanitary District.



**Legal & Finance Committee Consent Items**

43. Request the City Attorney's office to draft an ordinance amendment to include two hour parking from 2<sup>nd</sup> Street east on Main Street.
44. No. LF122804-01 Refer the request from the Lakota-Austrian Youth exchange Program for \$5,000 to the Subsidy Committee for review; noting funds will not be available until 2006.
45. No. LF122804-02 Approve the appointment of Ethan Schmidt as the Planning Commission Representative to the Zoning Board of Adjustments.
46. No. LF122804-03 Approve the reappointment of Dale Landis, Brenda French, Kathy Ertel, Jim Schamber and Jan Nordby to the Mayor's Committee for People with Disabilities; and recognize Rene Kirst as an advisory member to the committee.
47. No. LF122804-18 Approve the appointment of Steve Malone to the Zoning Board of Adjustments.
48. No. LF122804-05 Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Jack Gaines.
49. No. LF122804-16 Approve fiscal year 2004 Mid-Year Reallocation of Community Development Block Grant Subrecipient Contracts; and to authorize Mayor and Finance Officer to sign Contracts.
52. No. LF122804-06 Approve a Resolution to Establish Additional Staffing at the Street Division of the Public Works Department.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING  
AT THE STREET DIVISION OF THE PUBLIC WORKS DEPARTMENT

WHEREAS, additional staffing will be necessary to provide the clerical support for the Street Division; and

WHEREAS, the funding source for the additional position is included in the temporary line item of the Street Division budget.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase of 0.2 full-time equivalent (FTE).

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

53. No. LF122804-07 Approve a Resolution to Amend the Non-Union Compensation Salary Plan to Change the Title of the Position of Civic Center Assistant Concessions Manager to Civic Center Assistant Food Service Manager.

RESOLUTIONN TO AMEND THE  
NON-UNION COMPENSATION SALARY PLAN  
TO CHANGE THE TITLE OF THE POSITION OF

CIVIC CENTER ASSISTANT CONCESSIONS MANAGER TO  
CIVIC CENTER ASSISTANT GOOD SERVICE MANAGER

WHEREAS, the position of Civic Center Assistant Concessions Manager is established;  
and

WHEREAS, the existing title is not consistent with classification titles for the industry as a whole; and

THEREFORE BE IT RESOLVED by the City of Rapid City to revise the Non-Union Compensation Plan:

From	Grade	Salary (2005)
Civic Center Assistant Concessions Manager	14	\$32,177 to \$48,984
To		
Civic Center Assistant Food Service Manager	14	\$32,177 to \$48,984

This change in title does not entail any change to the rate of the compensation presently contained in the Pay Plan for the position.

Dated this 3<sup>rd</sup> day of January, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

54. No. LF122804-08 Approve a Resolution to Establish Funding for City of Rapid City Healthcare Plan.

RESOLUTION TO ESTABLISH FUNDING  
FOR CITY OF RAPID CITY HEALTHCARE PLAN

WHEREAS, an analysis of projected claims, stop loss coverage, and administrative fees indicates a need to adjust contribution levels within the Healthcare Plan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to establish the following monthly contribution rates effective on the dates indicated:

Coverage	Current Rates		Effective January, 2005	
	Total	Individual	Total	Individual's Share
Single	234.00	0.00	257.00	

Family	713.00	240.00	784.00	264.00
Family (5+ members)	784.00	275.00	862.00	303.00
Two Party	468.00	117.00	515.00	129.00
Minor Dependent(s) (For two City employees in the same Family unit)	713.00	117.00	784.00	129.00
Cobra Retiree + Dependent (Spouse of 1 Minor Dependent)	234.00	234.00	257.00	257.00
Cobra Retiree Family (Family less Retiree rate)	713.00	479.00	784.00	527.00
Cobra Retiree Family 5+ (Family less Retiree) 5+	784.00	550.00	862.00	605.00
Cobra Retiree Medicare	206.00	206.00	227.00	227.00
Cobra Retiree 2 Medicare	412.00	412.00	454.00	454.00
Cobra Medicare and Single (Spouse or 1 Minor Dependent)	440.00	440.00	484.00	484.00

BE IT FURTHER RESOLVED that effective January 1, 1997, part-time benefited employees shall be required to share a pro-rata amount of the individual and city costs, based on their budgeted percentage of full-time equivalent (FTE); however, part-time benefited employees shall be allowed to decline health plan coverage in lieu of such contributions.

Dated this 3<sup>rd</sup> day of January, 2005.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

55. No. LF122804-09 Authorize staff to purchase one 2005 Class CF 1/2 ton 2 x 4 pickup from Lamb Chevrolet of Onida, SD, under State Contract #14369 in the amount of \$13,579.
56. No. LF122804-09 Authorize staff to approve purchase of one 2005 Class CL 3/4 ton 4 x 4 pickup from Lamb Chevrolet of Onida, SD, under State Contract #14369 in the amount of \$18,225.
57. No. LF122804-09 Authorize staff to approve purchase of two 2005 Class CL 3/4 ton 4 x 4 pickups from Lamb Chevrolet of Onida, SD, under State Contract #14369 in the amount of \$18,775 each for a total of \$37,550.
58. No. LF122804-10 Authorize staff to advertise for bids for one 60 inch mid-mount mower for Parks Division.

59. No. LF122804-11 Authorize staff to advertise for bids for one high capacity mower for Parks Division.
60. No. LF122804-12 Authorize staff to advertise for bids for one one-ton dump truck.
61. No. LF122804-13 Approve a request by Kathryn Wagner Douglas, d/b/a K & M Creams for Vending License for 2005.
62. No. LF122804-14 Approve a request by Keith G. Storm, d/b/a Pied Piper for Renewal of Vending License for 2005.
63. No. CC111504-04 Approve the use of \$45,000 in funds from Tax Increment Finance District No. 41 to reduce the total assessments for the Enger and Talley properties as follows: Enger \$8,255.43; Talley - \$23,318.16.
64. No. LF122804-15 Approve the following abatements: Kevin J. Wipf, 2002, \$252.62; Kevin J. Wipf, 2003, \$232.62.
65. Approve the following licenses: Central Station Service: Protection One Alarm Monitoring, Inc., Richard Ginsburg (Portland, ME); Protection One Alarm Monitoring, Inc., Richard Ginsburg (Wichita, KS); Electrical Apprentice: Daryl Alderman, Martin Bailey, Cole Bartz, Jonathan Bechtold, Monty Bollock, Nathan Boness, Corey Buckley, Warren Buffalo Jr., Allan Cable, Casey Caton, Jerry Chytka, Nick Cockrell, Brian DeMaro, Travis DeStigter, Roger Draine, Neal Drury, Robert Dyczek, Rachel Eisenbraun, Jason Enders, Josh Farley, Travis J Farrar, Waylon Freese, David Fristad, James Gull, Morris Harrington, Chad Hein, Robert Herbst, Toby Holzer, Corey Horner, Steve House, Jesse Jensen, Cory Johnson, Jeremy Johnson, Beaman Kraft, Daniel Larson, Travis Lind, Allen Mackey, Dave Martz, Cheryl Neugebauer, Donnie Patterson, Donna Pesicka, Steve Pistulka, Matt Reede, Marty Richards, Justin Riggs, Jason Salazar, Kade Schoenberner, John Schubauer, Cody Selting, Bryan Silvernail, Chad Skinner, Josh Stadheim, Colin Weller, Jonathan Williams, Mike Wood, Rodney Woods, and Matthew Yackley; Electrical Class B: Roy Follum; Electrical Contractor: Richard Muth, Muth Electric; Electrical Contractor & Master: Randall Albers, Checker Electric; Todd Archambeau, Todd's Electric Service; Curtis Beatty, Beatty & Schoenberner Electric; Donald Eisenbraun, New Systems Electric; Thomas Gagliano, Advanced Electrical Inc; Gilbert Hatch, Hatch Electric; William Herbst, MLH Electric; Jim Herron, City of Rapid City; Donald Morford, Morford Electric; Jim Muellenberg, Muellenberg Electric; Scott Neuhauser, Scott's Electric; Gerald Nuber, City of Rapid City; Daniel Pesicka, Pesicka Corporation; Mark Pfleger, Temperature Technology; Gorden Sabo, Sabo Electric; Robert Schaeffer, Schaeffer Electric; Dale Schmidt, Buck's Electric; Steve Struble, Freeman's Electric Service Inc; and Shawn Wiechmann, Wiechmann Electric; Electrical Journeyman: William Albers, Jeremy Anderson, Harley Baker, Ryan Bear, Jeff Bergstrom, Zane Beringer, Michael Berry, Tim Bunce, Travis Cole, Casey Curtis, Robert Enders, Aaron Evers, Troy Fode, Howard Forsythe, Gerald Freeman, Brett Galbraith, Randy Garness, Clifford Gibbs, Travis Glenney, James Grass, Ty Grenstiner, Kevin Groves, Scott Hall, Richard Heintzman, Jeremy Holzer, Gerry Jensen, Michael Klug, Richard Kostelecky, Marty Larson, Nick Larson, Bradley Lecoe, Dale Leenknecht, Daniel McRae, Duane Menning, Rocky Metz, Chad Mills, Timothy Moe, Jeff Muellenberg, Jason Muller, Larry Nelson, Scott Nichols, Thomas O'Connor, Ryan Painter, Ed Pauly, Leo Rawstern, Robert Riggins, Glen Roth, Timothy Sandmeier, Todd Schoenberner, Ryan Schrempp, Corey Scott, Mark Seifert, Brad Sharp, Vic Sprenger, Clark Steeves, Thad Stoddard, Larry Tibbs, John Trudo, Emmett Vliem, Edward Wilson, Michael Wolff, F Phillip Young, Michael Young, and Dana Zeigler; Electrical Master: Jim Freeman, Riverside Electric; Robert Freeman, Freeman's Electric Service Inc.; Bernard Hall, City of Rapid City; Kenneth Koerlin, Merillat Industries; Jeffrey Larus, City of Rapid City; Darold O'Neal,

Buck's Electric; Elmer Sneller (In-active); and Dan Vetsch, Muth Electric; Gas Fitter: Justin Burke, Roland W. Fielder, Alphonse Fleck, Ken Kenitzer, Ronald Kramer, John B. Miller, Kevin Morris, Lonny Ryman, Loren Ryman, Ralph Schad, Michele Seaman, Wade Smith, Nick Walenta, Allan Weinand; Gas Contractor: Steve Armour, Mike's Mobile Home Service; Chino Caekaert, A to Z Maintenance & Repair; Cody Champion, Champion Home Service & Supply, Inc.; Duane Lassegard, Cenex Oil Co.; Ronald Ryman, D & R Service, Inc.; Rick Salyers, Dependable Transport; Lee Seaman, L & M Appliance Specialists, Inc.; George Thompson, Montana-Dakota Utilities Co.; Gas Fitting Apprentice: Todd Dietrich, Darrin Esser, Nick Williams, Kevin Bad Wound; House Mover: Paul Kostboth; O'Neil Company, Inc.; Mechanical Apprentice: Jason McNenny, Kassie Smart, Garr Smith; Mechanical Installer: Douglas Amick, Dallas Hayes; Mobile Home Court: Cherry Avenue Mobile Park, Don & Marlene Kechely; Golden Acres, Terry Ann Whitmyre; Meadowlark Hill Mobile Estates, Darrel Borg; Palmer Mobile Home Court, Raymond Palmer; Pleasant Acres Mobile Home Court, Gail Miller; R J Country Court, Judy Rohde; Richland Mobile Home Estates, N.G.B. Investment Co.; Sunshine Mobile Court, Paradis Properties, LLC; Pawn Shop: First National Pawn, Inc., Barbara D. Forbes; First Stop Gun & Coin, Mark L. Blote; First Stop Pawn Shop, Mark L. Blote; Plumber: Kevin Nicholson; Plumbing Apprentice: Steven B. Hanson, Travis R. Neal; Refuse Disposal: Salomon Sanitation, Donna Salomon; Second Hand: Batchelder's Plummer Piano, Matthew J. Batchelder; Big K Furniture, Kenneth D. Sheffield; Game Exchange, Jacaline K. Sales; Haggerty's, Inc., Thomas J. Haggerty; Jack First, Inc., Nancy E. Errea; Scheels All Sports, Karen Jones; Software Etc., Troy L. Kruse; Willy's Saw Shop, Douglas Williams; Security Business: Dakota Knights Security, Mark D. Steffen; Refuse Collection: Kieffer Sanitation, Inc., Alan & Cliff Kieffer; Security Business: Karen Kierstead, Mt. States Security, Inc.; Taxi Business: Bryan V. Leui, Rapid Taxi, Inc.

### ***Growth Management Department Consent Items***

66. No. 04CA043 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.92 acre parcel from Public to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N49°55'49"E a distance of 1224.84 feet to the point of beginning; thence along the arc of a curve to the right whose radius point bears S50°24'14"E, having a radius of 842.93 feet, a central angle of 35°47'16" and an arc length of 526.57 feet; thence N83°15'56"W a distance of 119.91 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 114.98 feet; thence S00°03'21"W a distance of 446.63 feet to the point of beginning, containing an area of 1.92 acres, all located in the SE1/4 SE1/4 and SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.
67. No. 04CA044 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.26 acre parcel from General Commercial with a Planned Commercial Development to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N64°54'42"E a distance of

2092.35 feet to the point of beginning; thence N66°07'09" e a distance of 35.13 feet; thence along the arc of a curve to the left whose radius point bears N23°52'51"W, having a radius of 500.00 feet, a central angle of 23°20'19" and an arc length of 203.67 feet; thence N42°46'50"E a distance of 135.90 feet; thence along the arc of a curve to the right whose radius point bears S33°40'19"W, having a radius of 912.83 feet, a central angle of 9°23'00" and an arc length of 149.50 feet; thence S42°55'22"W a distance of 232.95 feet; thence along the arc of a curve to the right whose radius point bears N47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 192.96 feet to the point of beginning, containing an area of 1.26 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

68. No. 04CA045 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.0 acre parcel from Office Commercial with a Planned Commercial Development to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N52°10'52"E a distance of 1739.84 feet to the point of beginning; thence 83°15'56"E a distance of 276.46 feet; thence S59°06'14"E a distance of 286.69 feet; thence N66°07'09"E a distance of 35.13 feet; thence along the arc of a curve to the left whose radius point bears N23°52'51"W, having a radius of 500.00 feet, a central angle of 8°17'54" and an arc length of 72.42 feet; thence N44°05'09"W a distance of 171.27 feet; thence N83°15'56"W a distance of 303.07 feet; thence along the arc of a curve to the left whose radius point bears S1°11'17"E, having a radius of 851.82 feet, a central angle of 13°22'01" and an arc length of 198.73 feet to the point of beginning, containing an area of 1.0 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

#### RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.0 acre parcel from Office Commercial with a Planned Commercial Development to Public, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N52°10'52"E a distance of 1739.84 feet to the point of beginning; thence 83°15'56"E a distance of 276.46 feet; thence S59°06'14"E a distance of 286.69 feet; thence N66°07'09"E a distance of 35.13 feet; thence along the arc of a curve to the left whose radius point bears N23°52'51"W, having a radius of 500.00 feet, a central angle of 8°17'54" and an arc length of 72.42 feet; thence N44°05'09"W a distance of 171.27 feet; thence N83°15'56"W a distance of 303.07 feet; thence along the arc of a curve to the left whose radius point bears S1°11'17"E, having a radius of 851.82 feet, a central angle of 13°22'01" and an arc length of 198.73 feet to the point of beginning, containing an area of 1.0 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

69. No. 04CA046 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.18 acre parcel from Public to General Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet to the point of beginning, containing an area of 3.18 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.18 acre parcel from Public to General Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet to the point of beginning, containing an area of 3.18 acres, all located in the SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

70. No. 04CA047 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.21 acre parcel from Public to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence N3°22'06"E a distance of 6.07 feet; thence along the arc of a curve to the right whose radius point bears S86°37'54"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence N27°28'05"E a distance of 278.96 feet; thence N62°31'55"W a distance of 89.99 feet; thence S27°29'45"W a distance of 272.96 feet; thence N89°16'18"W a distance of 248.96 feet; thence S54°42'24"E a distance of 227.17 feet; thence S83°15'56"E a distance of 116.68 feet to the point of beginning, containing an area of 1.21 acres, all located in the SE1/4 SE1/4, SW1/4 SE1/4, NE1/4 SE1/4, and NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.21 acre parcel from Public to Office Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence N3°22'06"E a distance of 6.07 feet; thence along the arc of a curve to the right whose radius point bears S86°37'54"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence N27°28'05"E a distance of 278.96 feet; thence N62°31'55"W a distance of 89.99 feet; thence S27°29'45"W a distance of 272.96 feet; thence N89°16'18"W a distance of 248.96 feet; thence S54°42'24"E a distance of 227.17 feet; thence S83°15'56"E a distance of 116.68 feet to the point of beginning, containing an area of 1.21 acres, all located in the SE1/4 SE1/4, SW1/4 SE1/4, NE1/4 SE1/4, and NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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



Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

71. No. 04CA048 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 0.42 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the right whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 11°03'18" and an arc length of 278.42 feet; thence S0°02'42"W a distance of 189.03 feet to the point of beginning, containing an area of 0.42 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 0.42 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the right whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 11°03'18" and an arc length of 278.42 feet; thence S0°02'42"W a distance of 189.03 feet to the point of beginning, containing an area of 0.42 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

72. No. 04CA049 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.92 acre parcel from Office Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence N0°02'42"E a distance of 451.16 feet; thence N88°44'21"W a distance of 324.90 feet; thence along the arc of a curve to the left whose radius point bears N65°55'22"E, having a radius of 1443.00 feet, a central angle of 22°26'22" and an arc length of 565.14 feet to the point of beginning, containing an area of 1.92 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.92 acre parcel from Office Commercial with a Planned Commercial Development to Medium Density Residential with a Planned Residential Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence N0°02'42"E a distance of 451.16 feet; thence N88°44'21"W a distance of 324.90 feet; thence along the arc of a curve to the left whose radius point bears N65°55'22"E, having a radius of 1443.00 feet, a central angle of 22°26'22" and an arc length of 565.14 feet to the point of beginning, containing an area of 1.92 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

73. No. 04CA050 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 7.88 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridan, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence along the arc of a curve to the right whose radius point bears N43°29'00"E, having a radius of 1443.00 feet, a central angle of 20°24'13" and an arc length of 513.87 feet; thence N89°39'23"W a distance of 374.98 feet; thence S45°11'40"W a distance of 14.11 feet; thence S0°02'42"W a distance of 405.68 feet; thence along the arc of a curve to the right whose radius point bears N89°57'18"W, having a radius of 330.00 feet, a central angle of 24°38'03" and an arc length of 141.88 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N0°02'42"E a distance of 189.03 feet to the point of beginning, containing an area of 7.88 acres, all located in the NW1/4 SE1/4 and NE1/4 SW1/4, Section 24, T1N, R7E BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan by changing the land use designation on a 7.88 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development, on property described by metes and bounds starting from the center corner Section 24, T1N, R7E, of the BHM, N25°19'44"E a distance of 1614.03 feet to the point of beginning; thence along the arc of a curve to the right whose radius point bears N43°29'00"E, having a radius of 1443.00 feet, a central angle of 20°24'13" and an arc length of 513.87 feet; thence N89°39'23"W a distance of 374.98 feet; S45°11'40"W a distance of 14.11 feet; thence S0°02'42"W a distance of 405.68 feet; thence along the arc of a curve to the right whose radius point bears N89°57'18"W, having a radius of 330.00 feet, a central angle of 24°38'03" and an arc length of 141.88 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N0°02'42"E a distance of 189.03 feet to the point of beginning, containing an area of 7.88 acres. Located In the NW1/4 SE1/4 and NE1/4 SW1/4, Section 24, T1N, R7E, BHM, City of Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

Finance Officer  
(SEAL)

74. No. 04CA051 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.05 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the left whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 01°18'43" and an arc length of 33.04 feet; thence S00°03'21"W a distance of 35.42 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 1.05 acres, all located in the NW1/4 SE1/4, NE1/4 SW1/4 and SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 1.05 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Public on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 18.19 feet; thence along the arc of a curve to the left whose radius point bears N32°25'42"E, having a radius of 1443.00 feet, a central angle of 01°18'43" and an arc length of 33.04 feet; thence S00°03'21"W a distance of 35.42 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 1.05 acres, all located in the NW1/4 SE1/4, NE1/4 SW1/4 and SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

75. No. 04CA052 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.56 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N21°41'03"E a distance of 898.69 feet to the point of beginning; thence S89°41'24"E a distance of 400.31 feet; thence N0°03'21"E a distance of 397.36 feet; thence S80°17'36"W a distance of 61.38 feet; thence N89°40'51"W a distance of 339.42 feet; thence S0°06'56"W a distance of 386.74 feet to the point of beginning, containing an area of 3.56 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.56 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N21°41'03"E a distance of 898.69 feet to the point of beginning; thence S89°41'24"E a distance of 400.31 feet; thence N0°03'21"E a distance of 397.36 feet; thence S80°17'36"W a distance of 61.38 feet; thence N89°40'51"W a distance of 339.42 feet; thence S0°06'56"W a distance of 386.74 feet to the point of beginning, containing an area of 3.56 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

76. No. 04CA053 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 2.45 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N0°05'48"E a distance of 74.11 feet; thence N0°06'56"E a distance of 250.00 feet; thence N89°41'24"W a distance of 330.57 feet; thence S0°06'56"W a distance of 250.00 feet; thence S0°05'48"W a distance of 72.50 feet; thence S89°24'42"E a distance of 330.58 feet to the point of beginning, containing an area of 2.45 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 2.45 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N0°05'48"E a distance of 74.11 feet; thence N0°06'56"E a distance of 250.00 feet; thence N89°41'24"W a distance of 330.57 feet; thence S0°06'56"W a distance of 250.00 feet; thence S0°05'48"W a distance of 72.50 feet; thence S89°24'42"E a distance of 330.58 feet to the point of beginning, containing an area of 2.45 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

77. No. 04CA054 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.89 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N89°24'42"W a distance of 330.58 feet; thence S0°05'48"W a distance of 365.07 feet; thence S89°16'18"E a distance of 2.76 feet; thence S1°09'27"W a distance of 149.31 feet; thence S89°42'31"E a distance of 330.57 feet; thence N0°05'48"E a distance of 512.67 feet to the point of beginning, containing an area of 3.89 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 3.89 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence N89°24'42"W a distance of 330.58 feet; thence S0°05'48"W a distance of 365.07 feet; thence S89°16'18"E a distance of 2.76 feet; thence S1°09'27"W a distance of 149.31 feet; thence S89°42'31"E a distance of 330.57 feet; thence N0°05'48"E a distance of 512.67 feet to the point of beginning, containing an area of 3.89 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

78. No. 04CA055 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.86 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development** on property described by

metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S89°24'42"E a distance of 452.05 feet; thence along the arc of a curve to the right whose radius point bears S72°22'50"E, having a radius of 842.93 feet, a central angle of 21°58'36" and an arc length of 323.32 feet; thence N00°03'21"E a distance of 446.63 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 58.13 feet; thence S00°03'21"W a distance of 397.36 feet; thence N89°41'24"W a distance of 400.31 feet; thence S00°06'56"W a distance of 250.00 feet; thence S00°05'48"W a distance of 74.11 feet to the point of beginning, containing an area of 5.86 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.86 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S89°24'42"E a distance of 452.05 feet; thence along the arc of a curve to the right whose radius point bears S72°22'50"E, having a radius of 842.93 feet, a central angle of 21°58'36" and an arc length of 323.32 feet; thence N00°03'21"E a distance of 446.63 feet; thence N84°42'24"W a distance of 48.82 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 58.13 feet; thence S00°03'21"W a distance of 397.36 feet; thence N89°41'24"W a distance of 400.31 feet; thence S00°06'56"W a distance of 250.00 feet; thence S00°05'48"W a distance of 74.11 feet to the point of beginning, containing an area of 5.86 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

79. No. 04CA056 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 4.93 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S0°05'48"W a distance of 512.67 feet; thence S89°42'31"E a distance of 416.02 feet; thence N0°36'33"W a distance of 245.03 feet; thence along the arc of a curve to the right whose radius point bears N89°19'20"E, having a radius of 842.93 feet, a central angle of 18°17'50" and an arc length of 269.19 feet; thence N89°24'42"W a distance of 452.05 feet to the point of beginning, containing an area of 4.93 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 4.93 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N32°58'04"E a distance of 609.06 feet to the point of beginning; thence S0°05'48"W a distance of 512.67 feet; thence S89°42'31"E a distance of 416.02 feet; thence N0°36'33"W a distance of 245.03 feet; thence along the arc of a curve to the right whose radius point bears N89°19'20"E, having a radius of 842.93 feet, a central angle of 18°17'50" and an arc length of 269.19 feet; thence N89°24'42"W a distance of 452.05 feet to the point of beginning, containing an area of 4.93 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

80. No. 04CA057 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 16.78 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, S89°42'31"E a distance of 746.59 feet to the point of beginning; thence S89°42'31"E a distance of 701.03 feet; thence N0°45'02"W a distance of 362.10 feet; thence along the arc of a curve to the right whose radius point bears N89°12'50"E, having a radius of 500.00 feet, a central angle of 66°54'19" and an arc length of 583.86 feet; thence N66°07'09"E a distance of 169.03 feet; thence N59°06'14"W a distance of 286.69 feet; thence N83°15'56"W a distance of 276.71 feet; thence along the arc of a curve to the left whose radius point bears S14°36'58"E, having a radius of 842.93 feet, a central angle of 76°03'42" and an arc length of 1119.01 feet; thence S0°36'33"E a distance of 245.03 feet to the point of beginning, containing an area of 16.78 acres, all located in the SW1/4 SE1/4 and SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 16.78 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 starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, S89°42'31"E a distance of 746.59 feet to the point of beginning; thence S89°42'31"E a distance of 701.03 feet; thence N0°45'02"W a distance of 362.10 feet; thence along the arc of a curve to the right whose radius point bears N89°12'50"E, having a radius of 500.00 feet, a central angle of 66°54'19" and an arc length of 583.86 feet; thence N66°07'09"E a distance of 169.03 feet; thence N59°06'14"W a distance of 286.69 feet; thence N83°15'56"W a distance of 276.71 feet; thence along the arc of a curve to the left whose radius point bears S14°36'58"E, having a radius of 842.93 feet, a central angle of 76°03'42" and an arc length of 1119.01 feet; thence S0°36'33"E a distance of 245.03 feet to the point of beginning, containing an area of 16.78 acres, all located in the SW1/4 SE1/4 and SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

81. No. 04CA058 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 0.06 acre parcel from Office Commercial with a Planned Commercial Development to Public** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N35°14'08"E a distance of 1576.77 feet to the point of beginning; thence S58°33'19"E a distance of 49.54 feet; thence S89°16'18"E a distance of 136.19 feet; thence N54°42'24"W a distance of 21.99 feet; thence N84°42'24"W a distance of 161.19 feet to the point of beginning, containing an area of 0.06 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 0.06 acre parcel from Office Commercial with a Planned Commercial Development to Public, on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N35°14'08"E a distance of 1576.77 feet to the point of beginning; thence S58°33'19"E a distance of 49.54 feet; thence S89°16'18"E a distance of 136.19 feet; thence N54°42'24"W a distance of 21.99 feet; thence N84°42'24"W a distance of 161.19 feet to the point of beginning, containing an area of 0.06 acres, all located in the NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

82. No. 04CA059 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 8.94 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development** on property described by metes and bounds starting from the center corner Section 24, Township 1 North, Range 7 East of the Black Hills Meridian, N84°19'06"W a distance of 840.15 feet to the point of beginning; thence N43°12'17"E a distance of 193.24 feet; thence N27°29'06"E a distance of 678.92 feet; thence S34°57'23"E a distance of 210.68 feet; thence along the

arc of a curve to the left whose radius point bears N55°02'37"E, having a radius of 326.00 feet, a central angle of 54°27'18" and an arc length of 309.84 feet; thence S89°24'42"E a distance of 6.72 feet; thence N0°05'48"E a distance of 72.50 feet; thence N0°06'56"E a distance of 250.00 feet; thence S89°41'24"E a distance of 330.57 feet; thence N0°06'56"E a distance of 386.74 feet; thence N89°40'51"W a distance of 238.67 feet; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the right whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 25°22'18" and an arc length of 146.13 feet; thence S54°23'47"W a distance of 133.90 feet; thence S54°23'47"W a distance of 186.00 feet; thence S35°36'13"E a distance of 130.00 feet; thence S54°23'47"W a distance of 174.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S26°02'24"W a distance of 121.98 feet; thence S24°30'11"W a distance of 559.66 feet to the point of beginning, containing an area of 8.94 acres, all located in the SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, and SE1/4 SW1/4, Section 24, T1N, R7E BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard.

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 3<sup>rd</sup> day of January, 2005 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the land use designation on a 8.94 acre parcel from Planned Residential Development with 6.7 dwelling units per acre to Medium Density Residential with a Planned Residential Development, on property described by metes and bounds starting from the center corner Section 24, T1N, R7E of the Black Hills Meridian, N84°19'06"W a distance of 840.15 feet to the point of beginning; thence N43°12'17"E a distance of 193.24 feet; thence N27°29'06"E a distance of 678.92 feet; thence S34°57'23"E a distance of 210.68 feet; thence along the arc of a curve to the left whose radius point bears N55°02'37"E, having a radius of 326.00 feet, a Central Angle of 54°27'18" and an arc length of 309.84 feet; thence S89°24'42"E a distance of 6.72 feet; thence N0°05'48"E a distance of 72.50 feet; thence N0°06'56"E a distance of 250.00 feet; thence S89°41'24"E a distance of 330.57 feet; thence N0°06'56"E a distance of 386.74 feet; thence N89°40'51"W a distance of 238.67 feet; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the right whose radius point bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 25°22'18" and an arc length of 146.13 feet; thence S54°23'47"W a distance of 133.90 feet; thence S54°23'47"W a distance of 186.00 feet; thence S35°36'13"E a distance of 130.00 feet; thence S54°23'47"W a distance of 174.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S26°02'24"W a distance of 121.98 feet; thence S24°30'11"W a distance of 559.66 feet to the point of beginning. Containing an area of 8.94 Acres. Located in the SW1/4 SE1/4, NW1/4 SE1/4, NE1/4 SW1/4, and SE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefore

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

Dated this 3<sup>rd</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

83. No. 04PL135 - A request by Sperlich Consulting, Inc. for Paul Reinke for a **Layout Plat** on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks all located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located along Wild Turkey Way and Quartz Canyon Lane. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall show the existing water system layout, including location and size of mains, reservoir capacity, overflow elevations, well location and capacity. The water plans shall also address high and low water pressure looping. In addition, the applicant shall submit documentation that the existing community water district concurs with the proposed expansion of use; 6. Upon submittal of the Preliminary Plat application, a pavement design with supporting geotechnical information shall be submitted for review and approval; 7. Upon submittal of the Preliminary Plat application, road construction plans for Peregrine Point Place shall be submitted for review and approval. In particular, Peregrine Point Place shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of the Preliminary Plat application, road construction plans for Wilderness Canyon Road and Quartz Canyon Lane shall be submitted for review and approval. In particular, Wilderness Canyon Road and Quartz Canyon Lane shall be constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of the Preliminary Plat application, road construction plans for Wild Turkey Way, the two un-named cul-de-sacs and the north-south street located adjacent to proposed

Lots 1, 7 and 8 of Block 5 shall be submitted for review and approval. In particular, the road construction plans shall show the streets constructed with a minimum 24 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the cul-de-sac bulbs at the end of the two un-named cul-de-sac streets and Wild Turkey Way shall be located in a minimum 110 foot wide diameter right-of-way with a minimum 90 foot wide diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat application, road construction plans for the emergency road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or a Variance to the Subdivision Regulations shall be obtained. In addition, a full ingress/egress easement shall be obtained or an Exception shall be obtained to allow 178 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual; 11. Upon submittal of a Preliminary Plat, road construction plans for the section line highways located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highways shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highways or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 12. A Special Exception to the Street Design Criteria Manual to allow a 7,800 foot and a 7,000 foot long cul-de-sac, respectively, with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with intermediate turnarounds every 600 feet shall be granted with the stipulation that a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 13. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 14. Upon submittal of a Final Plat application, a road maintenance agreement shall be submitted for review and approval as required by City Ordinance; 15. Upon submittal of a Final Plat application, a reserve area shall be shown or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area will be identified and held in reserve unless a public sewer system is provided; 16. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 17. Prior to submittal of a Final Plat, the applicant shall submit street names for the two un-named cul-de-sacs and the emergency road to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name. The plat document shall also be revised to show the labeling of "Quartz Canyon Lane" and "Red Fox Court"; and, 18. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

86. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of additional pavement along Wilderness Canyon Road and Quartz Canyon Lane and to construct curb, gutter, sidewalk, street light conduit and

sewer along the interior streets as the abut the above legally described property. (04SV053)

87. No. 04SV053 - A request by Sperlich Consulting, Inc. for Paul Reinke for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks all located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located along Wild Turkey Way and Quartz Canyon Lane. (APPROVE THE VARIANCE WITH THE FOLLOWING RECOMMENDATIONS: The Variance to the Subdivision Regulations to waive the requirement to improve the section line highway with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer be denied; That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum 24 foot wide paved surface along the two un-named cul-de-sacs, Quartz Canyon Place and Wild Turkey Way be denied; That the Variance to the Subdivision Regulations to waive the requirement to provide a minimum 20 foot wide paved surface along the emergency access easement be denied; That the Variance to the Subdivision Regulations to waive the requirement to improve pavement along Wilderness Canyon Road and Quartz Canyon Lane from 24 feet to 27 feet be approved with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the pavement improvement along Wilderness Canyon Road and Quartz Canyon Lane; and, 2. A note prohibiting on-street parking shall be placed on the plat. That the Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk, street light conduit and sewer along the two un-named cul-de-sacs, Quartz Canyon Place, Quartz Canyon Lane and Wild Turkey Way be approved with the following stipulation: 1. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the improvements. That the Variance to the Subdivision Regulations to waive the requirement to provide curb, gutter, sidewalk, street light conduit, water and sewer along the emergency access easement be approved.)

### **Raffles**

88. Acknowledge South Dakota TECH Hardrock Club request to conduct a raffle through Super Bowl Sunday, February 6, 2005 and awarding cash prizes totaling \$2,000 at a Super Bowl Party

### **END OF CONSENT CALENDAR**

The Mayor presented No. PW122804-12, authorize Mayor and Finance Officer to sign a Professional Services Agreement with FMG, Inc. for the preliminary design of the reconstruction of Elm Avenue and final design of Meade Street for an amount not to exceed \$202,891.00; whereupon Waugh moved, second by Murphy to approve. In response to an inquiry from Alderman Kooiker about the consultant selection and the cost of the professional service

agreement; Acting Public Works Director Vore assured Alderman Kooiker that the consultant selection process had been followed. With respect to the dollar amount of the professional service agreement he related the project segments of the Meade Street reconstruction which is \$278,000 in 2004 and \$2.15 million in 2005; Elm Avenue water main project for \$100,000 in 2005; Elm Avenue reconstruction – Utah to Meade for \$35,000 in 2005 and \$980,000 in 2006; Elm Avenue/St Patrick improvements for \$28,000 in 2006 and \$354,000 in 2007; Elm Avenue reconstruction to St Patrick in 2006 for \$75,000 and \$1.1 million in 2007. There is approximately \$5.1 million from 2004 to 2007. Responding to Alderman Kooiker, Vore explained \$119,912 is for East Meade – Elm Avenue to Hoefer and \$82,979 for preliminary plans for Elm Avenue – East St. Patrick to Utah. Upon a vote being taken on the motion, motion carried.

The Mayor presented No. LF122804-17, approve a preliminary proposed Community Development Block Grant Funding Allocations for Fiscal Year 2005; whereupon Johnson moved, second by Kroeger to approve. Cynthia Howell, Western Resources for dis-ABLED Independence address the Council explaining they had applied for CDBG funding for a project entitled Living Well with a Disability. This program is used by people in the community to develop health goals; to use the program to reach those goals; and to use the program to help them live a healthier lifestyle and acquire some independence. Howell pointed out the program was established last year and did receive CDBG funding. Howell asked for reconsideration of the initial decision not to award funding for their program. Howell introduced Audrey Lange, who explained her daughter's condition and the effect the program is having on her life. Howell also introduced Susan Windsell, who is a participant in the program. She explained her conditions and the successes experienced through the program. Alderman Kooiker asked for the criteria used in evaluating the submittals requesting CDBG funds; and pointed out one request that was funded in excess of the requested amount. Growth Management Director Elkins explained that this preliminary plan is associated with a thirty day comment period, and comments received during that period are forwarded to the Council. She outlined the process of evaluating the funding requests explaining they are all reviewed against the Housing Urban Development eligibility requirements, the benefit to low and moderate income persons in the community, the project feasibility and cost effectiveness, compliance with the needs and priorities of the community as identified in the Rapid City five Year Consolidated Plan, and the applicant's demonstrated ability to complete the project in the program year; and suggested these are subjective criteria. She reported the Subsidy Committee makes the recommendations and works diligently to bring to a consensus to bring forward to the Council. She commented that it is within the Council's purview to reallocate funds; and pointed out the Council must take money away from other programs to fund the request from Western Resources for dis-ABLED Independence. Elkins also explained that during the thirty day comment period, the City will need to reduce the allocations an additional \$14,000, because the City is not getting as much Federal dollars as it had in the past. She asked the Council to keep on track, approve the preliminary proposal; and suggested if Council desired, they could ask the Subsidy Committee to review their recommendations and bring their recommendation to the Council for consideration before adopting a final draft. Alderman Kooiker suggested it was time to address the make up of the Subsidy Committee to make certain that all interested parties have a voice on the committee. Substitute motion was made by Kooiker, second by Hurlbut to continue this item and ask that the Mayor form a subcommittee of five Council members to meet on this item and review the applications. Alderman Johnson spoke against the substitute motion and recommended the process now be slowed down. Mayor Shaw suggested if it is the desire of the council to move this process forward, it would make sense to consider the recommendation of Director Elkins. Alderman Hurlbut suggested the process go forward and then take up the



composition of the subsidy committee and whether the process should be changed. Elkins indicated the Legal & Finance Committee had heard the request, and will hear the request after the thirty day comment period; and suggested as the Legal & Finance Committee is comprised of five council members, if it was the desire of the Council that this to go back to Legal & Finance during that 30 day period to take another look at this in detail, this could be done. She encouraged the Council to keep it on track to avoid the delay in funding those organizations requesting the funds. With the consent of the Council, Alderman Kooiker withdrew his substitute motion. Upon a vote being taken on the motion to approve, motion carried with Kooiker voting NO.

Kooiker moved, second by Hurlbut to bring the information regarding the Community Development Block Grant funding to the February 1, 2005 Public Works Committee meeting and February 2, 2005 Legal & Finance Committee meeting. Motion carried with Murphy voting NO.

The Mayor presented the next agenda item for discussion to request staff to draft an ordinance amendment assigning wards and precincts to the newly annexed areas; whereupon Johnson moved, second by Olson to approve. City Finance Officer Preston, with the aid of a map, identified newly annexed areas to be included in Ward 4, Precinct 3 in the north; Ward 4, Precinct 4 in the east; and other areas in Ward 2, Precinct 5; Ward 1, Precinct 4 and Ward 3, Precinct 2. Responding to a question from Alderman French about an area assigned to Ward 2, Precinct 5, Preston explained at some point as annexation grows Ward 2, Precinct 5 will expand and suggested it has to do with the districts and the Commission lines at the County level. He pointed out the City would like to avoid a split ballot in the next election. Alderman Kooiker asked that the County Auditor review the changes and reminded the Council of a memo received from the Secretary of State when they debated another Ward and Precinct issue last year with Hidden Valley Lane. That letter said that not having contiguous boundaries was a problem in terms of redistricting principles. He asked how many people would be added to the rolls, and how many people are affected in each of the areas annexed. Preston reported the County Auditor had made the recommended changes based on their Commission and District lines; and City staff concurred with the suggested changes. The Chair asked for a clarification from Alderman Kooiker on whether he was asking for the number of voters or people in terms of population; whereupon Kooiker clarified he was asking for the number of people in terms of population. Alderman Johnson reminded the Council that the City is required to have Wards within a certain percentage of each other. Upon a vote being taken on the motion to approve, motion carried.

The Mayor announced a request from the audience to consider agenda item 63. No. CC111504-04 Approve the use of \$45,000 in funds from Tax Increment Finance District No. 41 to reduce the total assessments for the Enger and Talley properties as follows: Enger \$8,255.43; Talley - \$23,318.16; approved under the Consent Calendar items. French moved, second by Kooiker to reconsider agenda item 63. Upon a roll call vote to reconsider, motion died with the following voting AYE: Chapman, French, Kooiker and Hurlbut: NO: Kroeger, Johnson, Olson and Waugh. The Chair declined to vote.

The Mayor presented No. 04PL162, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 6, Block 3, Eastridge Estates Subdivision, and dedicated street located in the NW1/4 NE1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and

previously unplatted land residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Enchanted Pines Road along Enchantment Road; and No. 04PL163, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2A thru 7A and Lots 1B thru 7B Block 1, Estridge Subdivision, and Lots 1A thru 9A and Lots 1B thru 9B Block 2, all located in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM Rapid City, Pennington County, South Dakota, legally described as a portion of Eastridge Subdivision Tract 1 and Outlot A, and previously unplatted land residing in W1/2 NE1/4 and E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Enchanted Pines Road along Enchantment Road. Kroeger moved, Waugh and carried to table these items.

### **PUBLIC HEARINGS**

The Mayor announced that the meeting was open for consideration of (No. CC111504-04A) a Resolution Levying Assessment for Parkview Drive Extension Project No. ST01-1006; whereupon Olson moved to open the public hearing. Second by Waugh. Notice of hearing was mailed to the affected property owners on October 19, 2004 and published in the Rapid City Journal on November 8, 2004. No oral objections to the assessment roll were voiced. Kroeger moved, second by Johnson and carried to close the public hearing. The following Resolution was introduced, read and Kroeger moved its adoption:

#### RESOLUTION LEVYING ASSESSMENT FOR PARKVIEW DRIVE EXTENSION PROJECT NO. ST01-1006

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving is the amount stated in the proposed assessment roll.
2. The assessment roll for ST01-1006 Parkview Drive Extension is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 3<sup>rd</sup> day of January, 2005.

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 Johnson. Dorene Talley, 4310 Parkview Drive pointed out the Council in July, 2003 voted to include their property in the

TIF for \$40,000. At that time, Alderman Kriebel suggested there was another family on Parkview, the Engers, that should be included in the TIF, and another \$5,000 was included in the TIF. Dorene explained that Kriebel was not aware the Enger's had an agreement with developer, Sally Broucek who would pay 100% of their assessment for going along with the Parkview Drive assessment. She also explained, if agenda item #63 had been reconsidered, they intended to ask for option two on the TIF. Alderman Kooiker suggested out of courtesy, the Council should reconsider agenda item #63 and pointed out, that in the past, when an honest mistake was made and an item was not pulled from the Consent Calendar the Council reconsidered the agenda item. He suggested it was appropriate to discuss the options of the TIF and believed that option two, as presented by City staff, was a more viable option. Sally Broucek, 412 Tamarack Drive commented this project has been going for many years and explained she did make some recommendations and some agreements to pay a part of the assessments for the Talley's and the Enger's; but due to the expense and the delays in the project, the agreements were withdrawn. Sally suggested the assessments were fair and explained the Enger's will have no chance to ever develop their property or do anything extra. Alderman Johnson clarified the item being discussed has been previously acted on and that item is closed. He pointed out the public hearing was closed and questioned why further discussion was being allowed. Upon a roll call vote to approve the Resolution, the following voted AYE: Chapman, Murphy, Kroeger, Johnson, Olson, Hurlbut and Waugh; NO: French and Kooiker; whereupon said Resolution was declared duly passed and adopted.

The Mayor announced that the meeting was open for consideration of the lease for The United Field to Canyon Lake Little League, Inc. Johnson moved, second by Waugh to approve the lease for The United Field to Canyon Lake Little League, Inc. Bryan Schnell, President of Canyon Lake Little League explained that this field is contiguous to the fields already leased by the Canyon Lake Little League and this field had been in their possession and released to another youth organization for their use. He asked that the Council be vigilant about the organization using the City's recreation facilities, and that the facilities are being used to their fullest, and the facilities are being maintained by those who have leased the facilities. Mike Hickey, Director of Canyon Lake Little League stressed their commitment to the care and maintenance of the property. Bruce Ashland, President of Black Hills Pony League indicated their use and willingness to care for the property in conjunction with Canyon Lake Little League. Upon a vote being taken on the motion to approve, motion carried.

## **ORDINANCES & RESOLUTIONS**

The Mayor announced the meeting was open for hearing on No. 04RZ048, second reading of **Ordinance No. 5000**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N28°31'52"E a distance of 1445.37 feet to the point of beginning; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 179.38 feet; thence S54°42'24"E a distance of 249.16 feet; thence °15'56"E a distance of 116.68 feet; thence N3°22'06"E a distance of 6.07 feet; thence along the arc of a curve to the right whose radius points bears S86°37'54"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence N27°28'05"E a distance of 278.96 feet; thence N62°31'55"W a distance of 353.42 feet; thence along the arc of a curve to the right whose radius points bears N27°28'05"E, having a radius of 1001.00 feet, a central angle of 25°27'54" and an arc length of 444.89 feet; thence N89°37'25"W a distance of 201.51

feet; thence S0°02'42"W a distance of 637.07 feet to the point of beginning, containing an area of 9.0 acres, all located in the SE1/4 SE1/4, NE1/4 SE1/4, SW1/4 SE1/4, and NW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5000, have had the first reading on December 6, 2004, it was moved by French, second by Johnson that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5000 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ049, second reading of **Ordinance No. 5001**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Medium Density Residential District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N00°05'48"E a distance of 78.92 feet to the point of beginning; thence N0°05'48"E a distance of 507.96 feet; thence N0°06'56"E a distance of 250.00 feet; thence S89°41'24"E a distance of 330.57 feet; thence N0°06'56"E a distance of 386.74 feet; thence N89°40'51"W a distance of 238.67 feet; thence N60°48'44"W a distance of 49.11 feet; thence S33°16'59"W a distance of 65.31 feet; thence S45°06'34"W a distance of 65.81 feet; thence S50°59'02"W a distance of 69.64 feet; thence S54°23'47"W a distance of 309.94 feet; thence S35°36'13"E a distance of 30.00 feet; thence S54°23'47"W a distance of 174.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S26°02'24"W a distance of 121.98 feet; thence S24°30'11"W a distance of 559.66 feet; thence S89°42'31"E a distance of 837.63 feet to the point of beginning. Containing an area of 17.1 acres. Located in the NW1/4 SE1/4, SW1/4 SE1/4, NE1/4 SW1/4, and SE1/4 SW1/4, section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5001, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5001 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ050, second reading of **Ordinance No. 5002**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds beginning at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian; thence S89°42'31"E a distance of 330.57 feet; thence N00°05'48"E a distance of 586.77 feet; thence N00°06'56"E a distance of 250.00 feet; thence N89°41'24"W a distance of 330.57 feet; thence S00°06'56"W a distance of 250.00 feet; thence S00°05'48"W a distance of 586.88 feet to the point of beginning, containing an area of 6.3 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5002, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5002 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ051, second reading of **Ordinance No. 5003**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N21°41'03"E a distance of 898.69 feet to the point of beginning; thence S89°41'24"E a distance of 400.31; thence N00°03'21"E a distance of 397.36 feet; thence S80°17'36"W a distance of 61.38 feet; thence N89°40'51"W a distance of 339.42 feet; thence S00°06'56"W a distance of 386.74 feet to the point of beginning, containing an area of 3.6 acres, all located in the SW1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5003, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5003 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ052, second reading of **Ordinance No. 5004**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, S89°42'31"E a distance of 330.57 feet to the point of beginning; thence S89°42'31"E a distance of 2148.29 feet; thence along the arc of a curve to the left whose radius points bears N28°20'02"W, having a radius of 191.00 feet, a central angle of 61°37'11" and an arc length of 205.41 feet; thence N0°02'46"E a distance of 204.74 feet; thence along the arc of a curve to the left whose radius points bears N89°57'14"W, having a radius of 897.00 feet, a central angle of 47°07'24" and an arc length of 737.74 feet; thence S42°55'22"W a distance of 221.48 feet; thence along the arc of a curve to the right whose radius points bears N47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 479.65 feet; thence N83°15'56"W a distance of 396.62 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 163.80 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 58.13 feet; thence S0°03'21"W a distance of 397.36 feet; thence N89°41'24"W a distance of 400.31 feet; thence S0°06'56"W a distance of 250.00 feet; thence S0°05'48"W a distance of 586.78 feet to the point of beginning, containing an area of 50.7 acres, all located in the SW1/4 SE1/4 and SE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5004, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5004 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ053, second reading of **Ordinance No. 5005**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N51°14'38"E a distance of 1781.74 feet to the point of beginning; thence S83°15'56"E a distance of 485.70 feet; thence N27°29'45"E a distance of 202.66 feet; thence N62°31'55"W a distance of 476.05 feet; thence S27°28'05"W a distance of 278.96 feet; thence

along the arc of a curve to the left whose radius point bears S62°31'55"E, having a radius of 220.67 feet, a central angle of 24°05'58" and an arc length of 92.82 feet; thence S3°22'06"W a distance of 6.07 feet; to the point of beginning, containing an area of 3.2 acres, all located in the SE1/4 SE1/4 and NE1/4 SE1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5005, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5005 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ054, second reading of **Ordinance No. 5006**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Medium Density Residential District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N28°31'52"E A Distance Of 1445.37 Feet To The Point Of Beginning; Thence N00°02'42"E A Distance Of 637.08 feet; Thence along the arc of a curve to the right whose radius points bears N21°26'19"W, having a radius of 532.00 feet, a central angle of 21°46'57" and an arc length of 202.25 feet; Thence N89°39'23"W a distance of 390.42 feet; Thence S00°02'42"W a distance of 470.11 feet; Thence S14°43'10"W a distance of 65.38 feet; Thence S17°41'04"W a distance of 69.06 feet; thence S89°40'51"E a distance of 634.83 feet to the point of beginning. Containing an area of 9.5 Acres. Located In the NW1/4 SE1/4, and NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5006, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5006 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ055, second reading of **Ordinance No. 5007**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Public District** on property described by metes and bounds commencing at the center corner Section 24, Township 1 North, Range 7 East, Black Hills Meridian, N04°24'10"E a distance of 1226.78 feet to the point of beginning; thence N60°48'44"W a distance of 152.49 feet; thence along the arc of a curve to the left whose radius points bears N60°58'31"W, having a radius of 330.00 feet, a central angle of 4°20'43" and an arc length of 25.03 feet; thence S60°48'44"E a distance of 95.30 feet; thence S89°40'51"E a distance of 634.83 feet; thence N78°01'29"E a distance of 97.70 feet; thence S89°42'24"E a distance of 105.65 feet; thence S84°42'24"E a distance of 179.38 feet; thence S54°42'24"E a distance of 249.16 feet; thence S83°15'56"E a distance of 602.37 feet; thence N27°29'45"E a distance of 202.66 feet; thence S62°31'55"E a distance of 153.59 feet; thence along the arc of a curve to the right whose radius points bears S27°28'05"W, having a radius of 909.00 feet, a central angle of 15°27'17" and an arc length of 245.19 feet; thence S42°55'22"W a distance of 233.48 feet; thence along the arc of a curve to the right whose radius points bears 47°04'38"W, having a radius of 400.00 feet, a central angle of 15°13'51" and an arc length of 106.33 feet; thence N59°06'14"W a distance of 479.65 feet; thence N83°15'56"W a distance of 396.62 feet; thence N54°42'24"W a distance of 248.48 feet; thence N84°42'24"W a distance of 163.80 feet; thence N89°42'24"W a distance of 99.09 feet; thence S80°17'36"W a distance of 119.51 feet; thence

N89°40'51"W a distance of 578.09 feet to the point of beginning, containing an area of 5.1 acres, all located in the NW1/4 SE1/4, SW1/4 SE1/4, SE1/4 SE1/4, and NE1/4 SW1/4 Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Fifth Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5007, have had the first reading on December 6, 2004, it was moved by French, second by Hurlbut that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut and Waugh; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5007 the second time.

**Ordinance No. 5012** (No. 04RZ059), a request by Nathan Barton for Century Resources to consider an application for a **Rezone from General Agriculture District to General Commercial District** on property located in the NE1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds beginning at Point A, a point halfway between the Center of the section and the West quarter-corner of Section 32, T2N, R8E, BHM, Pennington County, SD: Course the first: A distance of 620.12 feet S89°42'55"E, thence Course the second: A distance of 249.26 feet S45°21'03" W, thence Course the third: A distance of 97.94 feet S45°21'03"W, thence Course the fourth: A distance of 115.86 feet N44°38'57"W, thence Course the fifth: A distance of 75.20 feet (arc) with a radius of 240.00 feet at an included angle of 17°57'14" (and with a chord of 74.96 feet S08°58'37"W), thence Course the sixth: A distance of 377.30 feet S00°00'00"W, thence Course the seventh: A distance of 280.00 feet S90°00'00"W, thence Course the eighth: A distance of 518.58 feet N00°15'40"E, thence Course the ninth: A distance of 97.36 feet N00°00'00"E, to the Point of Beginning (Point A), EXCEPT: That portion of the parcel to be included in Lot 4 of Block 1, Menards Subdivision, more particularly described as: Beginning at Point B, 418.18 feet S89°42'55"E of Point A above, Course the first: A distance of 202.35 feet S89°42'55"E, thence Course the second: A distance of 249.26 feet S45°21'03"W, thence Course the third: A distance of 97.94 feet S45°21'03"W, thence Course the fourth: A distance of 115.86 feet N44°38'57"W, thence Course the fifth: A distance of 102.25 feet (arc) with a radius of 240.00 feet at an included angle of 24°26'03" (and with a chord of 101.58 feet N30°10'15"E), thence Course the sixth: A distance of 105.92 feet N45°06'20"E, to the point of beginning (Point B); and property located in the S1/2 NW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota described by metes and bounds beginning at Point A, a point halfway between the Center of the Section and the West quarter-corner of Section 32, T2N, R8E, BHM, Pennington County, SD: Course the first: A distance of 192.51 feet N89°42'55"W, thence Course the second: A distance of 407.48 feet N49°12'20"E, thence Course the third: A distance of 180.58 feet N49°12'20"E, thence Course the fourth: A distance of 134.60 feet S73°03'09"E, thence Course the fifth: A distance of 187.83 feet S44°45'07"E, thence Course the sixth: A distance of 21.23 feet S00°25'07"W, thence Course the seventh: A distance of 60.03 feet S44°39'53"E, thence Course the eighth: A distance of 21.15 feet S89°50'22"E, thence Course the ninth: A distance of 55.09 feet S44°38'49"E, thence Course the tenth: A distance of 83.19 feet S45°58'34"E, thence Course the eleventh: A distance of 79.08 feet S45°21'03"W, thence Course the twelfth: A distance of 620.12 feet N89°42'55"W, to the Point of Beginning (Point A), EXCEPT: That portion of the parcel to be included in Lot 4 of Block 1, Menards Subdivision, more particularly described as: Beginning at Point B 418.18 feet S89°42'55"E of Point A above, Course the first: A distance of 202.35 feet S89°42'55"E, thence Course the second: A distance of 79.08 feet N45°21'03"E, thence Course the third: A distance of 83.19 feet N45°58'34"W, thence Course the fourth: A distance of 55.09 feet N44°38'49"W, thence Course the fifth: A distance of 7.91 feet N89°50'22"W, thence Course the sixth: A distance of 214.80 feet

S45°06'20"W, to the point of beginning (Point B), more generally described as being located at 1705 East Anamosa Street. Upon a motion made by Kroeger, second by Olson and carried, Ordinance 5012 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, January 17, 2004 at 7:00 P.M.

**Ordinance No. 5013** (No. 04RZ060), a request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the NW1/4 NE1/4 Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Enchantment Road. Upon a motion made by Hurlbut, second by Waugh and carried, Ordinance 5013 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, January 17, 2004 at 7:00 P.M.

**Ordinance No. 5014** (No. 04RZ061), a request by Dream Design International, Inc. for Stoneridge, LLC to consider an application for a **Rezoning from General Agriculture District to Low Density Residential District** on the W1/2 NE1/4 and E1/2 NW1/4 Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Enchantment Dr. and south of Enchanted Pines Drive. Upon a motion made by Kroeger, second by Olson and carried, Ordinance 5014 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, January 17, 2004 at 7:00 P.M.

**Ordinance No. 5015** (No. 04RZ062), a request by Don Wrede-TSP for Rob Poeppel to consider an application for a **Rezoning from Light Industrial District to Medium Density Residential District** on that portion of Block 4 of Feigel Subdivision located in the NE1/4 SE1/4 of Section 31, T2N, R8E, BHM, Pennington County, Rapid City, South Dakota, as shown by the plat of record, more particularly described as follows: commencing at the southwest corner of Lot 2, Block 4 of Feigel Subdivision; thence S89°58'42"W along the south boundary of Block 4 a distance of 250 feet; thence N00°00'01"W a distance of 290.17 feet; thence N89°57'41"E parallel with the north boundary of Block 4, a distance of 249.65 feet; thence S00°00'01"E along the west boundary of Lots 1 and 2, Block 4 of Feigel Subdivision, a distance of 290.14 feet to the Point of Beginning, said parcel containing 1.66 acres more or less,, more generally described as being located at 900 E Watertown Street. Upon a motion made by Kroeger, second by Olson and carried, Ordinance 5015 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, January 17, 2004 at 7:00 P.M.

### **PUBLIC WORKS COMMITTEE ITEMS**

The Mayor presented No. PW122804-19, Dial-a-Ride 2004 Saturday Ridership Statistics. Rapid Transit Service Director Sagen reported the annual cost for this service is \$6,000 and the City is responsible for \$2,000 of this cost. He explained the Council would need to authorize the continuation of the extended Saturday Dial-a-Ride service for 2005. In response to a question from Alderman Hurlbut, Sagen explained RTS could purchase a used trolley for a new route at an estimated cost of \$43,000, and the City's share would be 17% of the estimated cost. He expects to report the costs for a new route, time tables, and an entire schedule at the January



11, 2005 Public Works Committee meeting. Kooiker moved, second by French and carried to continue the extended Saturday Dial-A-Ride Transit Service for 2005.

### **APPROVAL OF BILLS**

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

Payroll Paid Ending 12-13-04, Paid 12-30-04	1,005,293.11
Payroll Paid Ending 12-25-04, Paid 12-30-04	654,434.09
Payroll Paid Ending 12-25-04, Paid 12-30-04	1,604.80
Pioneer Bank, Taxes Paid 12-30-04	248,989.77
Pioneer Bank, Taxes Paid 12-30-04	165,908.31
Pioneer Bank, Taxes Paid 12-30-04	122.77
Black Hills Power & Light, electricity	12,035.38
Diamond Bar Seven LLC, USGS Bldg lease	98,000.00
Government Finance Officers Association, subscription	155.00
Humane Society of the Black Hills, 2005 subsidy	16,666.67
IIARC, 2005 insurances	822,690.00
ML Gould 1 <sup>st</sup> Western Insurance, Work Comp coverage	139,498.00
Montana Dakota Utilities, gas	20,717.58
Municipal Street Maintenance Association, 2005 dues	35.00
SD Airport Management Association, 2005 dues	25.00
SD Association of Code Enforcement, 2005 dues	40.00
SD Building Officials Association, 2005 dues	70.00
SD Coalition of Citizens with Disability, 2005 dues	35.00
SD Department of Agriculture, 2005 compost reg/tonnage insp	482.38
SD Department of Environment Natural Resources, 2005 wastewater fee	600.00
SD Governmental Finance Officers, 2005 dues	100.00
SD Municipal Attorney's Association, 2005 dues	105.00
SD Municipal League, 2005 dues	17,187.79
Frank Washburn, January rent	850.00
Sub-Total	<u>\$3,205,645.65</u>
Payroll Paid Ending 12-25-04, Paid 12-30-04	2,663.80
Pioneer Bank, Taxes paid 12-30-04	<u>203.78</u>
Total	<u>\$3,208,513.23</u>

### **CITY ATTORNEY'S ITEMS**

Kroeger moved, second by Waugh and carried to go into Executive Session to discuss pending litigation, contractual and personnel matters.

The Council reconvened at 11:16 P.M. with all members present.

Waugh moved, second by Hurlbut and carried to continue No. PW110904-05, Approve Change Order No. 1F for Lange Road Sanitary Sewer Project Number SS03-1253 to Heavy Constructors, Inc. for an increase of \$14,378.15 to the January 17, 2005 Council meeting.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:17 P. M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)