

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

January 17, 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 17, 2005 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Ray Hadley, Malcom Chapman, Tom Murphy, Jean French, Ron Kroeger, Tom Johnson, Karen Olson, Sam Kooiker and Bob Hurlbut. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: Bill Waugh.

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**

French moved, second by Kroeger and carried to approve the minutes of December 20, 2004, January 3, January 10, 2005 Special Council.

**ADOPTION OF THE AGENDA**

The following items were added to the agenda:

- 4.a. General Public Comment, Tonchi Weaver
- 4.b. General Public Comment, Tim Collins
- Consider agenda item nos. 108 and 109 following 4.b.
- 6.a. Items from Council Members, Special Council meeting on January 24, 2005, Hadley
- 6.b. Special Scenic Byway designation, Johnson

Kooiker moved, second by French and carried to adopt the agenda as amended.

**AWARDS AND RECOGNITIONS**

Mayor Shaw acknowledged the Citizen of the Month for January 2005 as Daryl Brunson and commended Daryl on his service to the Rapid City community.

Mayor Shaw presented the Veteran of the Month for January 2005 to Graydon "Chip" Elverud and recognized his efforts and dedication to the service of his country.

Mayor Shaw presented a Certificate of Recognition to Lon VanDeusen, Superintendent of the Parks Department and expressed his appreciation to Lon for his 30 years of service to the City.

**GENERAL PUBLIC COMMENT**

Bob DeMersseman reported on the activities of the **Economic Development Office** highlighting their activities on the business incubator program and The Western Research Alliance.

Tonchi Weaver, 1306 38<sup>th</sup> Street approached the Council reporting the need for a traffic signal at Range Road / Soo San Drive. She explained no pedestrian accidents have occurred at this intersection, but the issue is traffic congestion. She reported a twenty minute exercise to travel one-half mile. She reported making a right hand turn only to encounter another traffic jam on Canyon Lake Drive. She indicated regulating traffic during school hours, which brings most of the traffic, is important. She expressed gratitude for the fence recently constructed as it keeps children from crossing at Range Road and between cars; but that it does not fix the problem. She urged the Council to place the request for a traffic signal at Range Road/Soo San Drive on a future Public Works Committee Agenda. Alderman Hurlbut commented on his intent to bring this traffic issue forward for discussion, and suggested the traffic congestion may be greater than the safety concern. Hurlbut moved, second by French and carried to place the Range Road/Soo San Drive traffic issue on the February 1, 2005 Public Work Committee agenda.

The Mayor recognized Tim Collins under General Public Comment. As Mr. Collins was not present, Johnson moved, second by Olson and carried to table.

### **BID OPENINGS AND AWARD**

The following companies submitted bids for No. CC011705-00 Two New Current Model Year Transit Buses for RTS opened Monday, January 17, 2005: Harlow's Bus Sales, Inc. Staff reviewed the bids and recommends the award to Harlow's Bus Sales, Inc. Kroeger moved, second by French and carried to approve the bid award of Two New Current Model Year Transit Buses to the lowest responsible bidder meeting specifications, Harlow's Bus Sales, Inc., for the low unit prices bid of \$118,700.00, less trade-in of \$20,000.00 for a total contract amount of \$98,700.00.

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

Alderman French addressed the Policies and Procedures in terms of length of Council meetings. French suggested, because only five Council members are appointed to the Public Works and Legal & Finance committees each, not all comments on a particular issue are heard and the minutes may not reflect the tone of the discussions at the committee level. She suggested they explore the possibility of the entire Council meet on the Monday evenings not scheduled for the regular Council for Public Works issues and Legal & Finance issues. She suggested that interested parties often find it difficult to attend the afternoon proceedings of the committees. Alderman Chapman agreed in concept, that the Council meetings are long, suggested having a meeting to discuss how to have a meeting. Chapman moved, second by French to set a special meeting to discuss the Council Policies and Procedures. Alderman Johnson suggested a Council retreat rather than a special Council meeting. Motion carried.

Upon a request to change the meeting time for the special Council meeting on Monday, January 24, 2005; Hadley moved, second by French and carried to change the meeting time to 5:15 P.M.

Alderman Johnson indicated his desire to have discussion about a Special Scenic Byway designation during their round-table work session on the U.S. Highway 16 Neighborhood Area

Future Land Use Plan. He suggested the special designation may lend some protection to the corridor.

Alderman Kooiker reported he and Mayor Shaw had attended a meeting of the Hospitality Association where the local businesses discussed their concerns about Exit 61 being designated as the corridor to Mount Rushmore. Kooiker suggested a solution was to contact the South Dakota Department of Transportation asking them to consider signage that would indicated Exit 61 to Exit 57 as exits to Mount Rushmore. Kooiker asked that Mayor Shaw send a letter to the SDDOT asking their consideration of such a signage request. Kooiker moved, second by French to ask the Mayor to send a letter to the South Dakota Department of Transportation indicating signage along Interstate 90 be designated as routes to Mount Rushmore, beginning with Exit 61 to Exit 57. Motion carried.

### **CONTINUED ITEMS CONSENT CALENDAR** – Items 7-37

Hadley moved, second by Hurlbut and carried to continue the following items as indicated.

#### **Continue the following items until February 7, 2005:**

6. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** on the W1/2 SE1/4 and SE1/4 SE1/4 and N1/2 NW1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
7. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on the S1/2 NE1/4 SW1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
8. No. 04CA029 - A request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change a Minor Arterial Street to a Collector Street on the Major Street Plan** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
9. No. 04CA030 - A request by Dream Design International for an **Amendment to the Comprehensive Plan to relocate a Collector Street on the Major Street Plan** from the SE1/4 NW1/4 and the SW1/4 of Section 25, T1N, R7E to a right-of-way 76.00' in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the Center ¼ of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; Thence N56°29'51"W along a non-visual line, 972.17' to the True Point of Beginning; Thence S22°35'26"E 198.94 feet; Thence along a curve to the right having a radius of 526.00 feet, included angle of 23°53'35", and a curve length of 219.35 feet; Thence S01°18'09"W 1438.43 feet; Thence along a curve to the right having a radius of 600.00 feet, included angle of 38°11'50", and a curve length of 400.00 feet; thence S39°29'59"W 257.99 feet; Thence along a curve to the right having a radius of 850.00 feet, included angle of 38°11'50", and a curve length of 566.67 feet; Thence S01°18'09"W 237.88 feet to a point on the south line of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Said parcel containing 5.80 acres more or less and located in the SE1/4NW1/4 and E1/2SW1/4 of Section 26, T1N, R7E, BHM, Rapid City,

Pennington County, South Dakota, located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

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. 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.
12. 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.
13. 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.
14. No. 04PL097 - A request by Dream Design International, Inc. for a **Layout Plat** on Hyland Park Subdivision, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
15. 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.
16. No. 04PL165 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 7, Block 1; Lots 1 thru 9, Block 2; Lots 1 thru 49, Block 3; Lots 1 thru 19, Block 4; Lots 1 thru 31, Block 5; Lots 1 thru 2, Block 6; Lots 1 thru 2, Block 7; Lot 1, Block 8; dedicated streets and drainage lot all located in Section 28 and Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NW1/4 NW1/4, SW1/4 NW1/4, and NE1/4 SW ¼ of Section 28 and the NE1/4 SE1/4, SE1/4 NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located

approximately 1/4 mile north of the intersection of Dunsmore Road and Sheridan Lake Road.

17. 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.
18. No. 04PL184 - A request by Centerline, Inc. for Lazy P-6 Land Co. Inc. for a **Layout Plat** on Lots 1 thru 53, Lazy P-6 Land Company, Inc. Subdivision all located in N1/2, NW1/4, NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as N1/2, NW1/4, NW1/4, Government Lot 1, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Parkview Drive and north of Catron Boulevard.
19. No. 04PL185 - A request by Black Hills Surveying for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2, SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2, SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located at the intersection of Promise Road and Golden Eagle Drive.
20. No. 04PL190 - A request by Wasteline, Inc. for Century Resources for a **Preliminary Plat** on Lot 4 of Block 1, and Lots 1 thru 3 of Block 2, Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of the NW1/4 and the NE1/4 of the SW1/4, Section 32, T2N, R8E BHM, Rapid City, Pennington County, South Dakota, located at 1705 E Anamosa Street.
21. No. 04PL191 - A request by Fisk Land Survey & Consulting Engineers for Donald Potts for a **Preliminary Plat** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.
22. No. 04PL192 - A request by Fisk Land Surveying & Consulting Engineers for a **Preliminary Plat** on Lot 3A revised and Block 11 of Fairway Hills Planned Residential Development, legally described as a tract of land located in the North One-Half of the Southwest One-Quarter (N½ SW¼) and in the Southwest One Quarter of the Northwest One-Quarter (SW¼ NW¼) of Section Fifteen (15), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the southeast corner of Lot 29R of Fairway Hills P.R.D., as shown on the plat filed on February 17, 1984 and recorded in Plat Book 19 on Page 124, said corner being marked by a rebar with survey cap number 3095; thence, South 73 degrees 09 minutes 46 seconds East, more or less, a distance of 4.84 feet more or less, to a point along the westerly edge of Fairway Hills Drive right-of-way, as shown on the plat filed on March 10, 1986 and recorded in Plat

Book 20 on Page 224, said corner being marked by a rebar with survey cap number 6565; thence, southerly and along the westerly edge of said Fairway Hills Drive right-of-way, South 16 degrees 50 minutes 14 seconds West, more or less, a distance of 160.90 feet, more or less to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 96.87 feet, a delta of 17 degrees, 55 minutes, 27 seconds, an arc length of 30.30 feet, a chord bearing of South 25 degrees 58 minutes 25 seconds West, more or less, and a chord distance of 30.18 feet, more or less, to a point of tangent on the westerly edge of said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the westerly edge of said Fairway Hills Drive right-of-way, South 34 degrees 46 minutes 00 seconds West, more or less, a distance of 496.97 feet, more or less to a point of curvature on said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northwesterly edge of said Fairway Hills Drive right-of-way and curving to the right on a curve with a radius of 151.11 feet, a delta of 91 degrees 35 minutes 13 seconds, an arc length of 241.55 feet, a chord bearing of South 80 degrees 36 minutes 45 seconds West, more or less, and a chord distance of 216.64 feet, more or less, to a point of tangent along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, North 53 degrees 37 minutes 38 seconds West, more or less, a distance of 69.36 feet, more or less, to a point of curvature along said right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way and curving to the left on a curve with a radius of 230.00 feet, a delta of 4 degrees, 41 minutes 57 seconds, an arc length of 18.86 feet, a chord bearing of North 56 degrees 09 minutes 17 seconds West, more or less and a chord distance of 18.86 feet, more or less, to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point being marked by a rebar with survey cap number 6565; thence, continuing along the northerly edge of said Fairway Hills Drive right-of-way, as shown on the plat filed September 22, 2004 and recorded in Plat Book 32 on page 94, and curving to the left on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, a chord bearing of North 66 degrees 39 minutes 30 seconds West, more or less and a chord distance of 66.04 feet, more or less to a point on the northerly edge of said Fairway Hills Drive right-of-way, said point also being the southeast corner of Lot 16 of Block 10 of Fairway Hills PRD, as shown on the aforementioned plat, said point being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly line of said Lot 16 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 102.58 feet, more or less, to the northeast corner of said Lot 16, said corner being coincident with the southeast corner of Lot 15 of Block 10 of Fairway Hills PRD, and said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the easterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 14 degrees 38 minutes 21 seconds East, more or less, a distance of 83.44 feet, more or less to a point on the easterly lot line of said Lot 15, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the northeasterly lot line of said Lot 15 in Block 10 of Fairway Hills PRD, North 25 degrees 09 minutes 50 seconds West, more or less, a distance of 132.38 feet, more or less to the northerly corner of said Lot 15, said corner being coincident with the northeast corner of Lot 14 of Block 10 of Fairway Hills PRD and also coincident with the southeast corner of Lot 3B of Fairway Hills PRD, as

shown on the plat filed July 9, 1980 and filed in plat Book 17, Page 189, and also coincident with the westerly lot line of Lot 3A of Fairway Hills PRD, as shown on the plat filed November 21, 1979 and recorded in Plat Book 17 on Page 132, said corner being marked by a rebar with survey cap number 1019; thence, northeasterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 17 degrees 55 minutes 58 seconds East, more or less, a distance of 191.15 feet, more or less, to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being marked by a rebar with survey cap number 6565; thence, northwesterly along the easterly lot line of said Lot 3B of Fairway Hills PRD and the westerly line of said Lot 3A of Fairway Hills PRD, North 20 degrees 01 minutes 18 seconds West, more or less, a distance of 326.69 feet, more or less to a point on the easterly lot line of said Lot 3B and the westerly lot line of said Lot 3A, said point being coincident with the southwest corner of Lot H1 of Lot 3A of Fairway Hills PRD as shown on the plat filed on August 30, 1991 and recorded in Book 8 of Highway Plats on Page 39, said corner being marked by a rebar with survey cap number 6565; thence, northeasterly along the southerly line of said Lot H1 of Lot 3A of Fairway Hills PRD, North 57 degrees 02 minutes 43 seconds East, more or less, a distance of 77.75 feet, more or less, to the southeasterly corner of said Lot H1 of Lot 3A, said point also being located on the northeasterly lot line of said Lot 3A of Fairway Hills PRD and also on the southwesterly line of Lot 2 of Fairway Hills PRD, as shown on the plat filed on November 30, 1977 and recorded in Plat Book 15 of Page 215; said corner being marked by a rebar with survey cap number 6565; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 22 degrees 24 minutes 27 seconds East, more or less, a distance of 100.94 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 3095; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southwesterly line of said Lot 2 of Fairway Hills PRD, South 40 degrees 29 minutes 56 seconds East, more or less, a distance of 133.62 feet, more or less, to a point on the northeasterly lot line of said Lot 3A and the southwesterly line of said Lot 2, said point being marked by a rebar with survey cap number 1019; thence, southeasterly along the northeasterly lot line of said Lot 3A of Fairway Hills PRD and along the southerly line of said Lot 2 of Fairway Hills PRD, South 76 degrees 54 minutes 53 seconds East, more or less, a distance of 221.11 feet, more or less, to a point on the northeasterly lot line of said Lot 3A, said point being coincident with the southeast corner of said Lot 2 of Fairway Hills PRD and also coincident with the westerly line of Lot 30 of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and recorded in Plat Book 19 on page 124, said point being marked by a rebar with survey cap number 1019; thence, southerly along the easterly line of said Lot 3A of Fairway Hills PRD and along the westerly line of said Lot 30 of Fairway Hills PRD, South 08 degrees 05 minutes 24 seconds East, more or less, a distance of 102.89 feet, more or less, to a point on the easterly line of said Lot 3A, said point being coincident with the southwest corner of said Lot 30, said point being marked by a rebar with survey cap number 3095; thence, northeasterly along the southerly line of said Lot 30 of Fairway Hills PRD, North 76 degrees 46 minutes 01 seconds East, more or less, a distance of 105.59 feet, more or less to the southeast corner of said Lot 30, said corner also being coincident with the southwesterly corner of Lot 29R of Fairway Hills PRD, as shown on the plat filed February 17, 1984 and filed in Page Book 19 and Page 124, said corner being marked by a rebar with survey cap number 3095; thence, easterly along the southerly lot line of said

Lot 29R of Fairway Hills PRD, North 76 degrees 42 minutes 20 seconds East, more or less, a distance of 161.03 feet, more or less, to a point on the southerly lot line of said Lot 29R, said point being marked by a rebar with survey cap 3095; thence, easterly along the southerly lot line of said Lot 29R of Fairway Hills PRD, North 87 degrees 22 minutes 22 seconds East, more or less, a distance of 66.97 feet, more or less, to the point of beginning. Said tract of land contains 8.00 acres, more or less, located west of Fairway Hills Drive and east of Sheridan Lake Road.

23. No. 04PL193 - A request by Daniel P. Wegner for a **Preliminary Plat** on Lots 4A and 4B of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 4 of Tract 2 Revised, Cavern Crest Subdivision, Section 11, T1N, R6E, BHM, Pennington County, South Dakota, located at 2680 Cavern Road.
24. No. 04PL194 - A request by Sperlich Consulting, Inc. for Dennis Zandstra for a **Preliminary and Layout Plat** on Jolly Lane Right-of-Way extended south to section line, legally described as a portion of Tract 1 of Elks Country Estates, located in the SE1/4, of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Jolly Lane.
25. No. 04PL195 - A request by Gary and Donna Kluthe for a **Preliminary Plat** on Lots 1 thru 25 of Bridle Path Estates, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9425 Sheridan Lake Road.
26. No. 04PL197 - A request by Sperlich Consulting, Inc. for Doeck LLC for a **Preliminary Plat** on Lots 27 thru 55, Block 3, Lots 6 thru 11 Block 4, Lots 22 thru 32 Block 8, Auburn Hills Subdivision, located in the NW1/4 of the SW1/4, and the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, and a portion of the SW1/4 of the NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Auburn Drive and Charmwood Drive.
27. No. 04RZ037 - A request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the W1/2 SE1/4 and the SE1/4SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
28. No. 04SV042 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, pavement, sewer, water and street light conduit; to waive the requirement to dedicate additional right-of-way; and, to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the W1/2 SE1/4 and SE1/4 SE1/4 of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, located east of South Highway 16 and south of Sammis Trail.
29. No. 04SV073 - A request by Wyss Associates, Inc. for Hart Ranch Development Co. for a **Variance to the Subdivision Regulations to waive the requirement to install**



**sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1, 2R, 17R, 19, 20, 21R, 22R, 24R, 25, 26, 31A, 31B, 32A, 32B, 33A, 33B, 34A, 34B, Village on the Green #2 Subdivision, Sections 12 and 13, T1S, R7E, Pennington County, South Dakota, located east of Mulligan Mile and Hacker Horseshoe Loop.

30. No. 04SV075 - A request by Sperlich Consulting, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install the sidewalk and street light conduit on Teak Drive and sidewalk, curb, gutter, and streetlight conduit on Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4, of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot B of Block 16 of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; all located in the SE1/4 of the SW1/4, Section 10, T1N, R8e, BHM, Pennington County, South Dakota, located at the intersection of SD State Highway 44 and Covington Street.
31. No. 04VR011 - A request by Lyle Henriksen for Chase & Company, LPI for a **Vacation of Right-of-Way** on that portion of Greenway Street right-of-way lying between the east line of Holcomb Avenue right-of-way and a line between the south corner of Lot 3 and the east corner of Lot 19 of Bock 1 of Millard Addition, located in NE1/4 of NE1/4 of Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Greenway Street between Holcomb Avenue and North Maple Avenue.

Continue the following items until February 21, 2005:

32. No. 04PL154 - A request by Hewey Clemmons for a **Layout Plat** on Lots 1 thru 3 less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79.
33. No. 04PL196 - A request by Davis Engineering, Inc. for Don and Cherril Brown for a **Preliminary Plat** on Lot 1 thru 5 of Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract SB revised of Springbrook Acres Subdivision located in SW1/4 NE1/4, and NW1/4 SE1/4, and SE1/4 NW1/4, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Estates Drive.
34. No. 04CA060 - A request by the City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** all located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, and more generally being described as being located south of US Highway 16B (Catron Boulevard), north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.
35. No. 04SE002 - A request by Daniel and Lori Smith for an **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.
36. No. 04SV062 - A request by Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and to provide additional pavement, along SD Highway 79 and to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water along SD Highway 79 and to reduce the right-of-way width from 59 feet to 20 feet for the interior street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less right-of-way, less Lot H2, all located in the NW1/4 SW1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5680 South Highway 79.

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 Johnson and carried to close the public hearing.

Kroeger moved, second by Olson and carried to approve the following alcohol license applications.

Special Malt Beverage and Wine License

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

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

Chapman moved, second by Hadley and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held on Monday, February 7, 2005.

On-Sale Retail Liquor License Transfer

38. Shotgun Willies, Inc. dba **Shotgun Willies** for an On-Sale Retail Liquor License Transfer from Hotel Management Co., Inc. dba **Jefferson Bar**, 523 6<sup>th</sup> Street

Special Malt Beverage and Wine License

39. **Pennington County Democratic Party** for a Special Malt Beverage and Wine License for use on February 18, 2005 at Prairie Edge Gallery

**CONSENT CALENDAR ITEMS** – 41-78

The following items were removed from the Consent Calendar:

42. No. CC010305-01 Affirm the decision of the Sign Code Board of Appeals with the additional variance to allow the sign to exceed the 30 foot height limit up to 37 feet for Herman F. Jones, Stagecoach West Sign Company, Inc.
60. No. LF011205-15 Approve Travel Request for Mayor Shaw, Tom Johnson, Ron Kroeger, Sam Kooiker, and Bob Hurlbut to attend National League of Cities Congressional City Conference, March 11-15, 2005, Washington, D.C. in the approximate amount of \$11,930.
75. No. 04PL186 - A request by Sperlich Consulting, Inc. for a **Preliminary Plat** on Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of a portion of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot B of Block 16 of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to

a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; all located in the SE1/4 of the SW1/4, Section 10, T1N, R8e, BHM, Pennington County, South Dakota, located at the corner of SD State Highway 44 and Covington Street.

77. No. 04PL198 - A request by FMG, Inc. for Bill Freytag for a **Preliminary Plat** on Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lots 1-11 of Block 4, and Lot 1 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways shown as Country Road, Kateland Street, Roberta Street, and Earleen Street located in the SE1/4 SW1/4 of Section 13 and the NE1/4 NW1/4 of Section 24, all in T2N, R7E, Rapid City, Pennington County, South Dakota, legally described as Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Mallridge Subdivision.

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

***Public Works Committee Consent Items***

40. No. PW122804-03 Acknowledge report on the audio/video problems in Council/School Board Chambers.
43. No. PW011105-14 Acknowledge and accept the report from the Development Appeals Review Board (DARB) as it relates to the J&D Precast request to be considered an acceptable manhole manufacturer.
44. No. PW011105-14 Acknowledge and accept the report from the Development Appeals Review Board (DARB) as it related to resolving the Jehovah's Witness Church construction problems.
45. No. PW011105-02 Authorize the commitment of surety to be provided by the City of Rapid City up to \$200,000 for the design and construction of the required improvements for the Owen Hibbard Subdivision of Lots 4 and 5.
46. No. PW011105-03 Accept the H-Lot and approve the Memorandum of Understanding with James N. Carpenter and Jami S. Carpenter as prepared by the City Attorney's Office.

47. No. PW011105-04 Approve a Deed to the South Dakota Department Of Transportation, Lot H2 in a portion of the 100 ft. of Dedicated Right-of-Way known as Lange Road in the SW1/4 of Section 22, T2N, R7E of the BHM, Rapid City, Pennington County, SD., 3.35 acres, more or less.
48. No. PW011105-05 Approve Change Order No. 3F for the Catron Boulevard Sanitary Sewer Extension, Hwy 79 to 5<sup>th</sup> Street Project No. SS01-1052 to Heavy Constructors Inc. for a decrease of \$31,390.54.
49. No. PW011105-06 Authorize staff to advertise for bids for the completion of 2005 Mill and Overlays, Various Locations Project No. ST04-1431.
50. No. PW011105-07 Authorize Mayor and Finance Officer to sign Amendment No. 2F to the Professional Services Agreement with AET, Inc. for the 2003-2004 Geotechnical Investigations of various projects on the 2004 and 2005 CIP list for an amount not to exceed \$12,746.00.
51. No. PW011105-09 Authorize Mayor and Finance Officer to sign a Professional Service Agreement with AET, Inc. for Geotechnical Services for the Mall Drive Transmission Main Extension and Alternate A-North Maple Water Extension Project No. W04-1260 for an amount not to exceed \$14,194.00.
52. No. PW011105-10 Authorize Mayor and Finance Officer to sign Amendment No. 1 to the Professional Service Agreement with TSP Three, Inc. to provide engineering services for water and sewer reconstruction for Mt. View Road Utility Reconstruction, Jackson Boulevard to Omaha Street Project No. W05-1342 for an amount not to exceed \$20,535.00.
53. No. 04SE005 Approve with stipulations an Exception to the Street Design Criteria Manual Section 8.2.1 and 8.2.3 for approach corner clearance from a driveway to a street intersection and driveway approach openings for petitioner Dean Kurtz Construction Company for Dakota Hills Veterinary Clinic on Lot A of Lot 3 of B of the SE1/4 of the NW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Centre Street.
54. No. 04VE023 Approve a Vacation of Note on Plat for petitioner Fisk Land Surveying & Consulting Engineers on The N 318.90' of Loft 16 of the Replat of Block 31 of Nowlin & Wood Addition, excepting there from Lots H1, H2, and H3, N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as The N 318.90' of Loft 16 of the Replat of Block 31 of Nowlin & Wood Addition, excepting there from Lots H1, H2, and H3, N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of E Anamosa St. and west of N LaCrosse Street at the intersection.

RESOLUTION OF VACATION OF  
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 17<sup>th</sup> day of January, 2005 to consider the modification of a note on the plat for the N318.90' of Lot 16 of the Replat of Block 31 of Nowlin and Wood Addition, excepting therefrom Lots H1, H2, and H3, located in the N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of East Anamosa Street and west of North LaCrosse Street; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Building setbacks: 46 foot front yard along North LaCrosse Street."

be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved for the N318.90' of Lot 16 of the Replat of Block 31 of Nowlin and Wood Addition, excepting therefrom Lots H1, H2, and H3, located in the N1/2, NW1/4, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 17<sup>th</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 55. No. 04SE007 Approve with stipulations an Exception to the Street Design Criteria Manual to reduce the separation between the arterial street and the alley driveway from 50 feet to 40 feet for petitioner Galloway, Romero and Associates on Lots 13-14 Less Lot H-1 Jones Tract and Lot 15-20, less Lot H-1 and less Tract A of Jones Tract of Block 2, NW1/4 NW1/4 Jones Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1935 West Main Street.
- 56. No. PW011105-15 Authorize Mayor and Finance Officer to sign an Amendment to the Professional Service Agreement with Dream Design International for the Wetland Mitigation Plan.
- 57. No. PW011105-16 Authorize the submittal of the "Fairgrounds Bike Path Improvement Project" as a Transportation Enhancement Grant (ISTEA) application.

***Legal & Finance Committee Consent Items***

- 58. Approve Sending the Corridor Study for Tower Road to the MPO for Recommendation
- 59. No. LF011205-02 Approve appointment of Mike Diedrich to the Rushmore Plaza Civic Center Board.
- 61. No. LF122804-04 Direct staff to work with the City Attorney's Office and bring back a revised Resolution Adopting a Policy Whereby the Director of Public Works Can Grant Exceptions to the City of Rapid City's Design Criteria Manual reflecting additional restrictions.
- 62. Change monthly updates to quarterly updates for Economic Development.
- 63. No. LF011205-03 Approve Travel Request for Cliff Peterson and Sean Doyle to attend EVOC Training School, Shelton, WA, April 18-22, 2004, in the approximate amount of \$2,598.
- 64. No. LF011205-04 Approve Travel Request for James Johns to attend Critical Incident Training, Las Vegas, NV, March 12-17, 2004, in the approximate amount of \$1,818.90.
- 65. No. LF011205-16 Authorize Mayor and Finance Officer to sign Addendum to Agreement with the group that accredits the Police Department

66. No. LF011205-05 Approve Travel Request for Dustin Willett and Jon Baldwin to attend EMS Today Conference, Philadelphia, PA, March 20-22, 2005, in the approximate amount of \$2,500.
67. No. LF011205-06 Approve Travel Request for Bill Knight, Cody Rose, and Paul Johnson to attend Wildland Fire 2005 Conference, Albuquerque, NM, February 16-18, 2005, in the approximate amount of \$3,150.
68. No. LF011205-07 Authorize Mayor and Finance Officer to sign Midcontinent Telecommunications Services Subscription Agreement to provide one internet connection to the Rapid City Growth Management Booth at the Rushmore Plaza Civic Center during the Black Hills Home Show, April 1, 2 and 3, 2005 in an amount not to exceed \$145.00.
69. No. LF011205-13 Authorize Mayor and Finance Office to sign the Space Lease Agreement with Rushmore Plaza Civic Center for the Electrical Code Update meeting in an amount of \$125 and sign the Food and Beverage Estimate Addendum in the estimated amount of \$1,185.08.
70. No. LF011205-08 Approve recommendation regarding Allied Arts Allocation for City Subsidy to the Arts.
71. No. LF011205-14 Approve Resolution Establishing Encumbrances.

#### RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2004 operations of the City of Rapid City totaling \$1,978,090.14, and

WHEREAS it is desirable that these bills be charged to the 2004 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2004, in the amount of \$1,978,090.14.

#### GENERAL FUND 0101

0101 MAYOR & COUNCIL	1,090.96
0104 FINANCE	7,338.44
0105 GIS MAPPING	2,094.24
0106 ATTORNEY	-222.36
0108 PUBLIC WORKS ADMINISTRATION	7,534.64
0109 GENERAL GOVERNMENT BUILDINGS	39,010.32
0111 HUMAN RESOURCES	1,323.92
0199 DISPATCH CENTER	53,885.91
0201 POLICE	35,375.86
0202 FIRE	30,614.91
0203 CORRECTIONS	1,666.69
0204 DEVELOPMENT SERVICE CENTER	551.59
0207 COMMUNITY PLANNING DIVISION	823.39
0301 STREETS & HIGHWAYS	127,767.63
0501 DETOXIFICATION CENTER	24,640.41
0601 RECREATION	3,307.70
0603 ICE ARENA	3,399.70
0609 LIBRARY	45,300.06
0610 LIBRARY RURAL	17,150.74

0612 SWIMMING POOL	4,853.26	
0618 PUBLIC TRANSPORTATION	5,293.61	
0620 PARK & RECREATION ADMINISTRATN	69.65	
0705 GROWTH MANAGEMENT	7,917.96	
0706 TRANSPORTATION PLANNING	20,994.98	
0707 HISTORIC PRESERVATION	0.06	
0708 AIR QUALITY	-285.42	
0711 CODE ENFORCEMENT	-1,602.61	
0712 WEED & SEED GRANT	7,645.06	
0713 SIGN CODE ENFORCEMENT	1.74	
9201 COMMUNITY POLICING GRANT	3.72	
9202 HAZARDOUS MATERIALS	21.93	
9206 JUVENILE ACCOUNTABILITY GRANT	<u>4.43</u>	447,573.12
TID 33 FENSKE MEDIA 0103		
0110 TID 33 FENSKE MEDIA		30,494.94
TSA AIRPORT PROJECT 0104		
0112 TSA AIRPORT PROJECT		8,000.00
2012 FUND 0107		
0123 VISITOR INFORMATION CTR (2012)	40,000.00	
0126 INFRASTRUCTURE IMPROVEMENTS	<u>18,799.92</u>	58,799.92
PARKS FUND 0208		
0607 PARK DEPARTMENT		15,859.80
2004 CONSOLIDATED 0252		
0973 2004 CONSOLIDATED		4,331.92
REPAIR & DEMOLITION FUND 0260		
0927 REPAIR & DEMOLITION		7,077.82
TAX DISTRICT 34 BH HARLEY DAVD 0471		
0779 TID 34 BH HARLEY DAVIDSON		67,242.02
TAX DISTRICT 18 HORIZONS INC. 0481		
0790 TID 18 HORIZONS		9,990.71
TAX INCREMENT DISTRICT 19 0482		
0791 TID 19 SPIEGEL		40,443.73
TID 32 RED ROCKS ESTATE 0489		
0798 TID 32 RED ROCKS ESTATE		44,082.23
TID 36 DISK DR 0490		
0799 TID 36 DISK DRIVE		896.06



AIRPORT CONSTRUCTION FUND 0501		
0903 AIRPORT CONSTRUCTION		570,291.80
New Markets Initiative 0503		
0902 NEW MARKETS INITIATIVE		9,195.44
CONSOLIDATED CONSTRUCTN FUND 0505		
0910 CONSOLIDATED CONSTRUCTION		424,417.25
COMMUNITY DEVELOPMENT FUND 0510		
0930 COMMUNITY DEVELOPMENT		-2,399.53
WATER ENTERPRISE FUND 0602		
0810 WATER OPERATIONS	13,667.41	
0933 WATER CONSTRUCTION	<u>66,197.73</u>	79,865.14
WASTEWATER ENTERPRISE FUND 0604		
0830 WASTEWATER OPERATIONS	1,190.15	
0833 WASTEWATER CONSTRUCTION	<u>-40,793.84</u>	-39,603.69
AIRPORT ENTERPRISE FUND 0606		
0850 AIRPORT OPERATIONS		26,087.37
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		2,289.58
TRANSPORTATION CENTER FUND 0608		
0840 TRANSPORTATION TERMINAL		980.68
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		572.12
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		3,755.39
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		966.33
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	302.95	
0606 LACROIX LINKS GOLF COURSE	<u>71.93</u>	374.88
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		32,811.72
SOLID WASTE/MRF COMPOST FUND 0616		
7103 SOLID WASTE MRF/COMPOST FUND		7,739.94

Ambulance Enterprise 0618		
0890 AMBULANCE ENTERPRISE		12,578.05
EDUCATIONAL LOAN FUND 0718		
1002 EDUCATIONAL LOAN		2,244.45
CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	143.59	
0913 CIVIC CENTER OPERATIONS	548.27	
0917 CIVIC CENTER TICKET OFFICE	<u>1,048.85</u>	1,740.71
ENERGY PLANT REVOLVING FUND 0777		
0914 ENERGY PLANT		314.09
Passenger Facility Charge #2 0782		
0939 PASSENGER FACILITY CHARGE #2		84,785.60
RSVP FUND 0785		
0928 RSVP		-632.06
TID 35 CHILDRENS HOME SOCIETY 0788		
0962 TID 35 CHILDRENS HOME SOCIETY		11,618.98
GROUP INSURANCE FUND 0789		
0963 GROUP INSURANCE		26.88
WORKERS' COMPENSATION FUND 0792		
0967 WORKERS' COMPENSATION		273.90
LIABILITY INSURANCE FUND 0793		
0968 LIABILITY INSURANCE		13,002.85
GRAND TOTAL		<u>1,978,090.14</u>

AND BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 17<sup>th</sup> day of January, 2005

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

72. No. LF092904-08A Postpone Resolution Requiring a Final Survey be Provided Prior to Issuance of Certificate of Occupancy for Single Family Residences indefinitely.

73. Approve the following licenses: Central Service Station: Central Station, Inc., Don H. Minyard; Gas Fitting Apprentice: Robert C. Draine, William Flockhart; House Mover: Huntley Construction, Ron Huntley; Metals and Gems: Gun Haven, Douglas L. Kinniburgh; Mobile Home Court: Ash Avenue Mobile Home Park, Nancy Robrahn; Brookdale Mobile Home Estates, Brenda Draper; Pawn Shop: Gun Haven, Douglas L. Kinniburgh; Plumber: Vince Gross; Plumbing Contractor: William Howell, Wilmar Plumbing; Residential Contractor: Beck Construction, Roger Beck; Wellbuilt Construction, Lyn Waldie; Second Hand: Gun Haven, Douglas L. Kinniburgh; Sound Bytes Music, Thomas Anderson; Traders Corner, LLC, Laura Elaine Kinser; Security Business: Aramark Facility Services, Michael D. Gebeke; Discovery Investigation Services, Michael J. Jacob; Peace Keeper Security, Inc., Ryan R. Schuler; S & K Security Specialists, Inc., Steven L. Dary; Sewer and Water Installer Contractors: Kevin Bowman, YJC Excavating & Landscaping, Inc.; Wade Wasserburger, Black Hills Construction, Inc.; Taxi Business: Mark P. Huffman, Dial-A-Driver; Travel Park: Lake Park Campground & Cottage, Sherry & Scott Nelson.

***Growth Management Department Consent Items***

74. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as needed; 2. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of the northern 260 feet of Elm Avenue and the west half of Elm Avenue located on adjacent properties or the rights-of-way shall be dedicated as a part of separate plat actions or as "H Lots". In addition, the applicant shall coordinate the construction of Elm Avenue with the adjacent property owner(s); 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of that portion of Davin Drive and Field View Drive located north of the subject property or the rights-of-way shall be dedicated as a part of a separate plat action or as "H Lots"; 4. Prior to Preliminary Plat approval by the City Council, construction plans showing a temporary turnaround at the southern terminus of Field View Drive and Davin Drive shall be submitted for review and approval or construction plans showing a minimum 20 foot wide all weather road connecting Field View Drive and Davin Drive shall be submitted for review and approval. In addition, an access easement shall be obtained from the adjacent property owner for the road connecting Field View Drive and Davin Drive; 5. Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval; 6. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 7. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to "future Lot 10" or right-of-way shall be dedicated on a separate Final Plat or as an "H Lot" or "future Lot 10" shall be incorporated into an adjacent lot which has legal access; 9. Upon submittal of a Preliminary Plat application, the plat document

shall be revised to show a non-access easement along Elm Avenue, along the west lot line of Lots 12 and 18 of Block 2 and the first 50 feet of all corner lots; 10. Prior to submittal of a Final Plat application, a different street name for "Court A" shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 11. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and, 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

76. No. 04PL188 - A request by Rhonda Haskell for a **Preliminary Plat** on Lots 40R and 41R, Block 6, Hall Subdivision, located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as west half of Lot 38, and all of Lots 29 thru 41 in Block 6, Hall Subdivision located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4030 Hall Street. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, the Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code be approved or the plat document be revised; 2. Prior to Preliminary Plat approval by the City Council, the Flood Report and Flood Plan shall be revised using the actual existing flow calculations and resubmitted for review and approval; and, 3. Prior to submittal of the Final Plat application, the plat document shall be revised to show floodway boundaries and any necessary drainage easements.)

END OF CONSENT CALENDAR

### ***Raffles***

Hadley moved, second by French and carried to Acknowledge a request from Fellowship of Christian Trailriders International, Inc. to conduct a raffle beginning February 2, 2005 until October 1, 2005 for a saddle valued at \$1,000

The Mayor presented No. CC010305-01, to affirm the decision of the Sign Code Board of Appeals with the additional variance to allow the sign to exceed the 30 foot height limit up to 37 feet for Herman F. Jones, Stagecoach West Sign Company, Inc.; whereupon Johnson moved, second by Hadley to approve. Herman Jones approached the Council with a request to allow a single pole structure billboard to be used as an on-premises sign and off-premises sign jointly; and with the aid of an overhead Jones pointed out the location of the sign. Jones explained that Lazy J Campground is the property owner and they have the possibility of using 3,700 SF of billboard space on their existing property; and at this time, they are only using approximately 500 SF of the 3,700 SF allowed by City code. Jones proposed to put 240 SF on each side of the upper billboards to allow them to advertise the business. He pointed out that the access to the campground for left turn movements is being closed by the DOT. Jones indicated his need for a waiver to allow an on-premise sign on top of the existing off-premise sign, with the designation that this could be the only use. Responding to a question from Alderman French, City Attorney Green explained the definition of a sign, whether it is an on-premise or off-premise, is included in the code. If the property on which the sign is located, has a business located there that is advertising on the sign, the sign should advertise that message. The Sign Code prohibits any sign that is converted from an on-premise to an off-premise sign; and once the conversion is

made to use the sign as an on-premise sign, it can not go back to an off-premise sign. The structure becomes illegal and it must be removed. Green pointed out the proposed structure is a prohibited sign according to the Sign Code because it has multiple faces on multiple sides of the same structure. Green indicated any conversion from on-premise to off-premise necessitates full compliance with the sign code. Substitute motion by made by Olson, second by Johnson to affirm the decision of the Sign Code Board of Appeals with the additional variance to allow the sign to exceed the 30 foot height limit up to 37 feet; and deny the additional applicant's request to double stack the signs. Motion carried.

French moved, second by Kroeger and carried (No. LF011205-15) to approve a Travel Request for Mayor Shaw, Tom Johnson, Ron Kroeger, Sam Kooiker, and Bob Hurlbut to attend National League of Cities Congressional City Conference, March 11-15, 2005, Washington, D.C. in the approximate amount of \$11,930; noting that Alderman Chapman would attend in Alderman Kooiker's stead, and a change in the dates as March 10-15, 2005.

Hadley moved, second by Johnson and carried to continue No. 04PL186, a request by Sperlich Consulting, Inc. for a **Preliminary Plat** on Lots 1 and 2 of Lot B of Block 16, Major Drainage Easement of a portion of Lot B of Block 16, and Public Access Easement of a portion of Lot B of Block 16, Trailwood Village, all located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Lot B of Block 16 of Trailwood Village, located in the SE1/4 of the SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot B of Block 16 of Trailwood Village, common to the northeasterly corner of the intersection of the right-of-ways of SD State Highway 44, and Covington Street, and the Point of Beginning; thence, first course: N40°25'09"E, along the easterly edge of the right-of-way of said Covington Street, a distance of 140.36 feet, to a point of curve; thence, second course: northerly, along the easterly edge of said Covington Street, curving to the left on a curve with a radius of 600.00 feet, a delta angle of 8°34'58", an arc length of 89.88 feet, a chord bearing of N36°07'40"E, and chord distance of 89.79 feet, to a point on the easterly edge of the right-of-way of said Covington Street; thence, third course: S51°11'35"E, a distance of 461.43 feet, to a point on the easterly boundary of said Lot B of Block 16, common to a point on the westerly boundary of Lot B of Lot 2 of Ridgeview Place Subdivision; thence, fourth course: S38°38'57"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot B of Block 2 of Ridgeview Place Subdivision, a distance of 67.21 feet, to a point on the easterly boundary of said Lot B of Block 16, common to the southwesterly corner of said Lot B of Block 2 of Ridgeview Place Subdivision, and common to the northwesterly corner of Lot A of Block 2 of Ridgeview Place Subdivision; thence, fifth course: S38°53'52"W, along the easterly boundary of said Lot B of Block 16, common to the westerly boundary of said Lot A of Block 2 of Ridgeview Place Subdivision, a distance of 162.79 feet, to the southeasterly corner of said Lot B of Block 16, common to the southwesterly corner of said Lot A of Block 2 of Ridgeview Place Subdivision, and common to a point on the northerly edge of the right-of-way of SD State Highway 44; thence, sixth course: N51°11'35"W, along the southerly boundary of said Lot B of Block 16, common to the northerly edge of the right-of-way of said SD State Highway 44, a distance of 461.12 feet, to the northeasterly corner of the intersection of the right-of-ways of said SD State Highway 44, and said Covington Street, and the Point of Beginning; all located in the SE1/4 of the SW1/4, Section 10, T1N, R8e, BHM, Pennington County, South Dakota, located at the corner of SD State Highway 44 and Covington Street to the February 7, 2005 Council meeting.

The Mayor presented No. 04PL198, a request by FMG, Inc. for Bill Freytag for a **Preliminary Plat** on Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lots 1-11 of Block 4, and Lot 1 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways shown as Country Road, Kateland Street, Roberta Street, and Earleen Street located in the SE1/4 SW1/4 of Section 13 and the NE1/4 NW1/4 of Section 24, all in T2N, R7E, Rapid City, Pennington County, South Dakota, legally described as Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Mallridge Subdivision. Hadley moved, second by French and carried with Kroeger abstaining from the vote to approve the Preliminary Plat with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the redlined drawings. In addition, the redlined drawings shall be returned to the Development Service Center Division; 2. Prior to Preliminary Plat approval by the City Council, the road construction plans for Country Road shall be revised to provide a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, the road construction plans shall be revised for Country Road, Kateland Street and Roberta Street to provide a temporary turnaround at the end of the three streets or an Exception shall be obtained from the Street Design Criteria Manual; 4. Prior to Preliminary Plat approval by the City Council, drainage easements on adjacent properties as needed shall be recorded at the Register of Deed's Office; 5. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 6. All Uniform Fire Code shall be continually met; 7. Prior to submittal of the Final Plat application, the plat shall be revised to show a non-access easement along the first fifty feet of Lot 1, Block 5 along Earleen Street as it extends north from Country Road and Lot 1, Block along Kateland Street as it extends north from Country Road; 8. Prior to submittal of the Final Plat application, the plat title shall be revised deleting from the "formerly" in the plat heading the following: "located in the SE1/4 of the SW1/4, of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota"; and, 9. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.

### **PUBLIC HEARINGS**

The Mayor presented No. 04CA065, a request by FMG Engineering for F&A Properties for an **Amendment to the Comprehensive Plan to change the land use designation on a 3.5 acre parcel from Residential to General Commercial with a Planned Commercial Development** on that part of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located West of Haines Avenue, South of Mall Drive, North of Paha Sapa Drive, East of Lakota Homes. The following Resolution was introduced, read and Hadley moved its adoption:

### RESOLUTION AMENDING THE COMPREHENSIVE PLAN

## OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the January 17, 2005 to consider an amendment to the Comprehensive Plan to change the land use designation on a 3.5 acre parcel from Residential to General Commercial with a Planned Commercial Development on that part of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, 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 17<sup>th</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 Resolution was seconded by French. Linda Johnson, 729 St. Andrew reported a family member residing in Lakota Homes requested information about a reported petroleum leak in the area and about the intent of Freed's Fine Furnishing to build in the area. To date, they had received no response from the City. She reported water tasting of petroleum and suggested the water be tested. She also explained the residents of Lakota Homes have not been made aware of the development near their neighborhood. Substitute motion was made by French to have an explanation from Public Works on the reported petroleum leak and the building activity in the area at the February 1, 2005 Public Works Committee meeting. The Chair ruled the motion out of order. Responding to a question from Alderman Kooiker, Growth Management Director Elkins indicated the issue of the petroleum leak is not related to the project. She explained that as part of the construction project that would occur, if approved, would be that they would have to monitor the site during construction and if they run into petroleum materials in the ground they will have to address that problem. Elkins explained there has been a documented petroleum leak from the old Woody's site, which is located north of the site under discussion; and there have been some issues that have been addressed in that location. Responding to another question from Alderman Kooiker about a buffer between the commercial and residential designations; Elkins explained that through the planned development process, this has been identified and a buffer built into the design, in addition to other limitations such as hours of operation and screening. Kooiker suggested it was not appropriate to approve this item at this time without having a zoning buffer between the commercial and residential designation. He pointed out this is the same concern throughout the

City in other locations, such as Hwy 16. He suggested the landscape code is not adequate and should not be considered for use as a buffer. Elkins explained there is not enough room to provide another zoning designation between the General Commercial and Residential zoned properties. She again stressed that through the planned development designation, additional steps can be taken to mitigate the impact of a development. Ida Fast Wolf, Planning Commission member reported an effort was made to communicate with the residents of Lakota Homes. Fast Wolf explained a meeting was held and it appeared there was some confusion as to whether the property in question was Trust Land. Concern was also expressed about a petroleum leak in the area. Fast Wolf indicated the development must mitigate any problem they may encounter with petroleum byproducts. She also supported the City researching the petroleum leak at this location. She explained the residents of Lakota Homes were not informed of the development in this area because the management of Lakota Homes Inc did not notify the residents of the intentions of the applicant. Responding to Alderman Johnson, Elkins explained the Planning Commission approved the initial commercial development plan. Because the petroleum leak was brought forward during this meeting, she suggested the Council could require the Planning Commission to address this prior to final development plan approval. Mayor Shaw recognized Tom Rau, who explained he had been in contact with the property owners and the South Dakota Department of Environment and Natural Resources about the Woody's site. Rau reported they have not designated this site, based on water samples, that needs further remediation. Rau pointed out that across the street there has been a phase one environmental which included a test hole and water sample, and there is no indication of petroleum byproducts. Diane Albers, Freed's explained the contamination on the Woody's site does not border the property they intend to build on. At this time Ms. Albers read a letter from the Lakota Homes Management suggesting they had no problems with the development. Upon a vote on the motion to approve, motion carried with the following voting AYE: Hadley, Chapman, Murphy, Kroeger, Johnson, Olson, and Hurlbut; NO: French and Kooiker; whereupon said Resolution was declared duly passed and adopted.

Johnson moved, second by Kooiker to request the Planning Commission to place a stipulation regarding the environmental assessment regarding petroleum on the PCD. Johnson commented that if the work has already been done, that would meet the stipulation. If the work has not been done, it would require them to complete the requirements of the stipulation. Responding to a concern from French, Elkins suggested French ask staff to bring to Public Works, a copy of any information that can be obtained from the State regarding the petroleum issues at this site. Substitute motion was made by Hurlbut, second by Kroeger and carried to request the staff of Growth Management to bring forward the information regarding the petroleum leak.

The Mayor presented No. 04CA066, a request by Don Wrede-TSP for Rob Poeppel for a **Comprehensive Plan Amendment to change the North Rapid Neighborhood Area Future Land Use plan for a 2.56 acre parcel of land from Light Industrial to Medium Density Residential with a Planned Residential Development** on all that portion of Block 4 of Feigel Subdivision, located in the NE1/4, SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, 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, located at 900 E. Watertown Street. Hadley moved, second by Kroeger to acknowledge the petitioner's request to



withdraw the application. Motion carried with the following voting AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker and Hurlbut; NO: None.

The Mayor presented 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. Hadley moved, second by Johnson to deny without prejudice a request for a Fence Height Exception for Menard, Inc. Motion carried with the following voting AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker and Hurlbut; NO: None.

The Mayor presented No. 04SV074, a request by Rhonda F. Haskell for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 40R and 41R, Block 6, Hall Subdivision, located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as west half of Lot 38, and all of Lots 29 thru 41 in Block 6, Hall Subdivision located in Government Lot 3, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4030 Hall Street. Hadley moved, second by French and carried to approve a Variance to the Subdivision Regulations.

The Mayor presented No. 04SV076, a request by FMG, Inc. for Bill Freytag for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks on both sides of Country Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1; Lots 1-10 of Block 2; Lots 1-20 of Block 3; Lots 1-11 of Block 4, and Lot 1 of Block 5; all of Kateland Subdivision, and dedicated public right-of-ways shown as Country Road, Kateland Street, Roberta Street, and Earleen Street located in the SE1/4 SW1/4 of Section 13 and the NE1/4 NW1/4 of Section 24, all in T2N, R7E, Rapid City, Pennington County, South Dakota, legally described as Lots 12 and 13 of Madisons Subdivision located in the SW1/4 of Section 13, T2N, R7E, BHM and the unplatted balance of the NE1/4 of the NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Mallridge Subdivision. Hadley moved, second by French and carried with Kroeger abstaining from the vote to approve a Variance to the Subdivision Regulations with the following stipulations: That a sidewalk be constructed along the north side of Country Road.

Hadley moved, second by Kroeger and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Elm Avenue as it abuts Lot B of N1/2 of Government Lot 4 less Craig Estates all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (04SV077)

The Mayor presented No. 04SV077, a request by Sperlich Consulting, Inc. for Jim Scull for a **Variance to the Subdivision Regulations to waive requirement to dedicate additional right-of-way and to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Elm Avenue as it abuts the subject property as per chapter 16.16 of the Rapid City Municipal Code** on Lot B of N1/2 of Government Lot 4 less Craig Estates all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elm Avenue and Field View Drive. Hadley moved, second by French and carried to approve a Variance to the Subdivision Regulations with the following

stipulation: the applicant post surety for that portion of Elm Avenue located on the subject property and that the applicant signed a waiver of right to protest any future assessment for the improvement of Elm Avenue as it abuts the subject property.

The Mayor presented No. 04VR012, a request by Don Wrede (TSP) & Rick Bush Precision Surveying for Robert Poeppel for a **Vacation of Public Right-of-Way** on the alley located adjacent to Lot 1 and 2 Block 4 of Feigels Subdivision, balance of N1/2 of Block 4 Feigels Subdivision, and balance of S1/2 of Block 4 Feigels Subdivision, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 900 East Watertown and 625 Riley Avenue. The Resolution was introduced, read and Hadley moved its adoption with the following stipulations: 1. Prior to City Council approval, the exhibit shall be revised to show the correct spelling of the subdivision as "Feigel Subdivision". In addition, Lot 1 and Lot 2 of Feigel Subdivision shall be revised to read "Lot 1, Block 4 of Feigel Subdivision" and "Lot 2, Block 4 of Feigel Subdivision". The plat document shall also be revised to show all of Block 1 of Feigel Subdivision as "all of Block 1 of Feigel Addition" and, 2. Prior to City Council approval, a miscellaneous document dedicating a 20 foot wide public utility easement shall be recorded at the Register of Deed's Office.

#### RESOLUTION OF VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the public right-of-way located adjacent to Lot 1 and 2 Block 4 of Feigels Subdivision, balance of N1/2 of Block 4 Feigels Subdivision, and balance of S1/2 of Block 4 Feigels Subdivision, all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 900 East Watertown and 625 Riley Ave; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released;

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated; and,

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 17<sup>th</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 Resolution was seconded by French. . The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker and Hurlbut; NO: None; whereupon said Resolution was declared duly passed and adopted.

**GROWTH MANAGEMENT DEPARTMENT ITEMS**

Elkins addressed the exception to allow platting within a study area – Elks Country Estates (04PL194) explaining this item comes from the Planning Commission, where a proposal was presented to plat right-of-way. The right-of-way is within the study area that has been identified where the City is not approving any additional platting because of the access issues from the SE Connector. Elkins reported staff has met with the new land owner relative to the Plum Creek project and they are working on some solution. Elkins explained that Mr. Zandstra has asked permission to have the preliminary plat approved so that he can use his crews this winter to do some of the work on the right-of-way, in anticipation that the access issues will be addressed. She indicated there is no increase in density occurring with this project, and the Planning Commission concurred with the request. French moved, second by Olson to approve the exception to allow platting with a study area, Elks Country Estates 04PL194. Johnson suggested consideration of removing the study area as the State came forward with a plan to provide emergency access in this area. Elkins suggested direction to the Legal & Finance Committee to consider for further discussions. Motion carried.

**ORDINANCES & RESOLUTIONS**

**Ordinance No. 5010** (No. LF121504-14), modifying the Requirement for Connection to a Public Sewer by Amending Section 13.08.030 of the Rapid City Municipal Code having passed first reading on December 20, 2004, it was Johnson moved by second by Olson that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, and Hurlbut; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5010 was declared duly passed upon it's second reading.

**Ordinance No. 5016** (No. LF011205-10), amending Section 10.04.050 of Chapter 10.04 and Section 10.40.040 of Chapter 10.40 and Sections 10.44.010 and 10.44.150 of Chapter 10.44 of the Rapid City Municipal Code Relating to Parking was introduced. Upon a motion made by Johnson seconded by Olson and carried, Ordinance 5016 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, February 7, 2005 at 7:00 P.M.

**Ordinance No. 5017** (No. LF011205-11), modifying When a Firearm is Permitted to be Discharged within the City of Rapid City by Amending Section 9.28.050 of the Rapid City Municipal Code was introduced. Upon a motion made by Kroeger seconded by Johnson and carried, Ordinance 5017 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, February 7, 2005 at 7:00 P.M.

**Ordinance No. 5018** (No. LF011205-09), regarding Supplemental Appropriation No. 1 for 2005 was introduced. Upon a motion made by Hurlbut seconded by Kroeger and carried, Ordinance 5018 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, February 7, 2005 at 7:00 P.M.

**Ordinance No. 5019** (No. LF011205-12), amending the City of Rapid City's Municipal Non-Ad Valorem Sales Tax Ordinance by Amending Sections 3.16.010 of the Rapid City Municipal Code

was introduced. Upon a motion made by Hurlbut, seconded by Johnson, Ordinance 5019 was placed upon its first reading and the title was fully and distinctly read. Alderman French suggested a sunset clause or condition on the use of the revenue; and suggested the ordinance must stipulate the increase is to offset the sewer rate. Alderman Johnson explained the additional tax and that one-half will go into the General Fund and the remaining one-half is split between 2012 and CIP. Johnson suggested the Council needed to have faith in future Councils. Alderman Kooiker reminded the Council that the original intent of the discussion was to subsidize the sewer rate increase by using the tax to mitigate that increase. He suggested the ordinance needed to be clear so as to satisfy that 0.16 would be deposited to a separate fund and the fund used to address the rate increase. Substitute motion was made by Kooiker, second by French to amend the ordinance so that the increase is designated to go into a separate fund to be use for mitigation of the sewer utility rate. City Attorney Green explained this is a complex amendment; suggested Council approve first reading, and then direct the City Attorney's Office to prepare an amendment for consideration. Green reminded the Council any change in the sales tax ordinance must be delivered to the Department of Revenue 90 days in advance of July 1, 2005. The ordinance must be effective before the end of March, 2005. With the consent of the Council, Kooiker withdrew the substitute motion. Alderman Johnson recommended a Resolution rather than an ordinance amendment. Upon a roll call vote, first reading of Ordinance 5019 was approved with the following voting AYE: Chapman, Murphy, Kroeger, Johnson, Olson, and Hurlbut; NO: Hadley, French and Kooiker. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, February 7, 2005 at 7:00 P.M.

City Attorney Green commented on some of the alternatives brought forward; suggested he had the idea of where the Council would like to go and asked for an opportunity to give the Council several options for consideration. Kooiker moved, second by French and carried to request the City Attorney's Office to bring forward options for consideration on the designation for the added sales tax revenue to the Legal & Finance and Public Works committees.

**Ordinance No. 5020** (No. 04RZ063), a request by Fisk Engineering for Bailey Associates, Inc. for a **Rezoning from Public District to Light Industrial District** on the unplatted SW1/4 SW1/4, Section 26, T2N, R7E, BHM, and the unplatted E1/2 NE1/4, Section 34, T2N, R7E, BHM, and the unplatted SE1/4 SE1/4, Section 27, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, located east of Rand Road and south of South Plaza Drive was introduced. Upon a motion made by Chapman seconded by Murphy and carried, Ordinance 5020 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, February 7, 2005 at 7:00 P.M.

**Ordinance No. 5021** (No. 04RZ064), a request by Dan McFarland for Jeff and Patty Griffith for a **Rezoning from Low Density Residential District to Low Density Residential-II District** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of MacArthur Street and Wood Avenue was introduced. Upon a motion made by Chapman seconded by French and carried, Ordinance 5021 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, February 7, 2005 at 7:00 P.M.

**Ordinance No. 5022** (No. 04RZ065), a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on a parcel of land located in the NE1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at a point on the center quarter corner of Section 3, T1N, R8E, BHM, being the Point of beginning S00°16'47"E 34.02 feet; thence S00°09'17"E 87.56 feet; thence S00°08'51"E 180.13 feet; thence N68°17'52"W 743.68 feet; thence S89°56'03"W 111.76 feet; thence N00°09'17"W 26.01 feet; thence N89°56'03"E 802.06 feet; to the Point of Beginning; containing 2.67 acres more or less, located south of Homestead Street between Degeest Street and Aurora Drive was introduced. Upon a motion made by Chapman seconded by Johnson and carried, Ordinance 5022 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, February 7, 2005 at 7:00 P.M.

The Mayor announced the meeting was open for hearing on No. 04RZ057, second reading of **Ordinance No. 5008**, a request by FMG Engineering for F&A Properties for a **Rezoning from Low Density Residential District to General Commercial District** on that part of the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1; thence S89°52'10"E, 235.82 feet to a 1/2" rebar at the northeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S00°02'17"E, 653.54 feet to a point at the southeast corner of the Unplatted Balance of the NE1/4 of the NW1/4 of Section 25; thence S89°57'12"W, 236.24 feet to a 1/2" rebar at the southeast corner of Block 1 of Lakota Subdivision No. 1; thence N00°00'05"W, 654.27 feet to a 1/2" rebar at the northeast corner of Block 1 of Lakota Subdivision No. 1 at the point of beginning: all located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located West of Haines Avenue, South of Mall Drive, North of Paha Sapa Drive, East of Lakota Homes. Notice of hearing was published in the Rapid City Journal on December 11, 2004 and December 18, 2004. Ordinance 5008, have had the first reading on December 6, 2004, it was moved by Chapman second by Johnson that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, and Hurlbut; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5008 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ059, second reading of **Ordinance No. 5012**, a request by Nathan Barton for Century Resources for a **Rezoning 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), located at 1705 East Anamosa Street. Notice of hearing was published in the Rapid City Journal on January 8, 2005 and January 15, 2005. Ordinance 5012, have had the first reading on January 3, 2005, it was moved by Chapman second by Hadley that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, and Hurlbut; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5012 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ060, second reading of **Ordinance No. 5013**, a request by Dream Design International, Inc. for Stoneridge, LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on a tract of land located in the E1/2 NW1/4, Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: beginning at a point from which the N1/4 corner of Section 24 bears N10°20'40"E a distance of 1687.43 feet; thence S54°23'47"W a distance of 200.17 feet; thence S43°25'38"W a distance of 129.39 feet; thence S28°28'50"W a distance of 47.17 feet; thence S24°30'11"W a distance of 687.14 feet; thence N00°01'08"E a distance of 313.68 feet; thence N24°30'11"E a distance of 401.67 feet; thence on a curve turning to the right with an arc length of 245.22', a radius of 470.00 feet a chord bearing of N39°26'59"E and a chord length of 242.45 feet; thence N 54°23'47"E a distance of 138.17 feet; thence S80°36'13"E a distance of 14.14 feet; thence N54°23'47"E a distance of 52.00 feet; thence S35°36'13"E a distance of 120.00 feet to the point of beginning; said tract containing 2.85 acres more or less, located east of Enchantment Road. Notice of hearing was published in the Rapid City Journal on January 8, 2005 and January 15, 2005. Ordinance 5013, have had the first reading on January 3, 2005, it was moved by Chapman second by Hadley that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French,

Kroeger, Johnson, Olson, Kooiker, and Hurlbut; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5013 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ061, second reading of **Ordinance No. 5014**, a request by Dream Design International, Inc. for Stoneridge, LLC for a **Rezoning from General Agriculture District to Low Density Residential District** on a tract of land located in the W1/2 NE1/4 and E1/2 NW1/4 Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: beginning at a point from which the N1/4 corner of Section 24 bears N08°00'26"W a distance of 706.96 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 S27°00'4'11"W a distance of 27.99 feet; thence S33°16'59"W a distance of 66.85 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 283.94 feet; thence N35°36'13"W a distance of 90.00 feet; thence N09°23'47"E a distance of 14.14 feet; thence N54°23'47"E a distance of 150.00 feet; thence N35°36'13"W a distance of 168.00 feet; thence N54°23'47"E a distance of 133.90 feet; thence N50°25'57"E a distance of 22.40 feet; thence N39°52'17"E a distance of 37.22 feet; thence N26°41'30"E a distance of 37.14 feet; thence N13°31'37"E a distance of 37.14 feet; thence N00°11'58"E a distance of 435.55 feet; thence S89°57'18"E a distance of 90.00 feet; thence S89°39'23"E a distance of 88.00 feet; thence S89°39'23"E a distance of 90.00 feet to the point of beginning; said tract containing 5.49 acres more or less, located north of Enchantment Drive and south of Enchanted Pines Drive. Notice of hearing was published in the Rapid City Journal on January 8, 2005 and January 15, 2005. Ordinance 5014, have had the first reading on January 3, 2005, it was moved by Chapman second by Hadley that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, and Hurlbut; NO: None; whereupon the Mayor declared the motion passed on read the title of Ordinance 5014 the second time.

The Mayor announced the meeting was open for hearing on No. 04RZ062, second reading of **Ordinance No. 5015**, a request by Don Wrede-TSP for Rob Poeppel for a **Rezoning from Light Industrial District to Medium Density Residential District** on all 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, located at 900 E Watertown Street. Chapman moved, second by Hadley and carried to acknowledge the petitioner's request to withdraw the application.

### **LEGAL & FINANCE COMMITTEE ITEMS**

French moved, second by Hurlbut to approve the designation of the VFW and the Boys' Club as an authorized shooting gallery, contingent upon proof of insurance. Motion carried.

French moved, second by Hurlbut to approve No. LF011205-01, the designation of SDSU Extension – Youth Development 4-H – as an authorized shooting gallery. Motion carried with Chapman abstaining from the vote.

The Mayor presented No. 04TI011, a request by Centerline for a **Resolution Creating Tax Increment District #49** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A,



B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Century Road, east of LaCrosse Street and south of US 1-90. The following Resolution was introduced, read and Chapman moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT #49  
 – EAST ANAMOSA STREET  
 CITY OF RAPID CITY

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

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

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district; and,
- (3) The District will be an Economic Development Tax Increment District; and,

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

Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number 49, City of Rapid City.

Dated this 17<sup>th</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 Resolution was seconded by Hurlbut. Responding to an inquiry from Alderman Kooiker, Elkins explained the affordable housing TIF is probably not going to be considered an economic development TIF. City Attorney Green reported he had given Representative Alan Hanks suggested language to address the blight definition. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, and Hurlbut; NO: Kooiker; whereupon said Resolution was declared duly passed and adopted.

Chapman moved, second by Johnson to Table No. 04TI012, a request by Centerline for a **Tax Increment District #49 - Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2, Section 31, T2N, R8E, BHM, Rapid City,

Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E,

BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Century Road, east of LaCrosse Street and south of US 1-90. Motion carried.

The Mayor presented No. 04TI015, a request by Bill Freytag for a **Resolution Creating Tax Increment District #51** on Lot 12 thru 13, Madison's Subdivision in the E1/2 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the NE1/4, NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Country Road and west of Haines Avenue. The following Resolution was introduced, read and Chapman moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT #51  
KATELAND SUBDIVISION  
CITY OF RAPID CITY

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

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

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district; and,

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

Lot 12 thru 13, Madison's Subdivision in the E1/2 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the NE1/4, NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Tax Increment District Number 51, City of Rapid City.

Dated this 17<sup>th</sup> day of January, 2005

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

(SEAL)

The motion for adoption of the Resolution was seconded by Hadley. Alderman Johnson discussed expanding the boundaries of the district by including the City/School property, so that the City might do some additional improvements. Expanding the district would overlap an existing district, which would allow the debt to be retired sooner. Elkins explained that approximately \$350,000 could be added for project costs in year five; and this amount could be used for park improvements. Elkins also explained that Tax Increment District #36 was created as part of the Lowe's development, and now Kohl's and Best Buy have been built in the area. Johnson suggested overlapping the districts in a manner that would include Best Buy, Lowe's and Kohl's, which would allow an investment of \$350,000 to complete the parkland project. He explained as Tax Increment District #36 is retired, it will allow the City to add that revenue into the proposed District #51. When District #36 is complete, it will allow the City to retire the other District sooner. He pointed out the City assumed a certain amount of growth in District #36, which has exceeded the anticipated level of growth.

The following Resolution was introduced, read and Johnson made a substitute motion to move its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT #51  
KATELAND SUBDIVISION  
CITY OF RAPID CITY

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

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

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district; and,

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

All of Northridge Subdivision and all adjacent right-of-way, located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, All of Mallridge Subdivision #2 and all adjacent right-of-way, Section 24, T2N, R7E, Rapid City, Pennington County, South Dakota; and, Lots 1-7, Block 1, and Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5, Lot A and Lot B of Lot 6, all in Block 6, and Kyle Street right-of-way, all located in CHMH Subdivision, Section 24, T2N, R7E, Rapid City, Pennington County, South Dakota; and, Lots 1A, 1B, 2, 3A, 3B, 4A 4B, 5-7 and Kyle Street right-of-way, all located in Block 2, Tyler Knue Subdivision,

Section 24, T2N, R7E, Rapid City, Pennington County, South Dakota; and, All of Dakota Subdivision #1, located in S1/2SE1/4SW1/4 of Section 24, T2N, R7E, Rapid City, Pennington County, South Dakota; and, Lots 1 & 2, The New Park Subdivision, located in the NW1/4SW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2522 Teton Lane, Block 1, and 525 Pahasapa Road, Block 2, 713 Pahasapa Road, Block 2, and 2506 Gnugnuska Dr., Block 3, 637 Wambli, Block 3, Tract A, Block 3, Tract B, Block 3, and 816 Wambli, Block 4, 640 Wambli, Block 4, and all adjacent rights-of-way, all located in Lakota Subdivision #1, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1-3 and adjacent Disc Drive right-of-way, Geld Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and dedicated right-of-way, Block 1, Tires Plus Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1R and 2R and adjacent Disc Drive right-of-way, Five Star Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 1 & 2, Lowe's Subdivision, formerly Tract 1 of Martley Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of NE1/4NW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, N1/2SE1/4SW1/4, NE1/4SW1/4, SW1/4SW1/4, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 4-A of SE1/4NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 4-C of Parcel 4 of SE1/4NW1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 8R in NW1/4NE1/4, Block 3, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of NE1/4NW1/4, Section 25 T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 12-13, Madison's Subdivision, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, The 100 foot Haines Avenue right-of-way beginning at the southern boundary of the Haines Avenue/Disk Drive intersection located in Section 24 and 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, then traveling northward and ending at the intersection of the North/South and East/West section lines of Section 24 and 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Tax Increment District Number 51, City of Rapid City.

Dated this 17<sup>th</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 Resolution was seconded by Chapman. Responding to a question from Alderman French, Elkins explained that as long as the City addresses how the revenue stream comes into the district and pay off the earlier expenditures, first there will be no negative impact. The district would reflect that the earlier expenses would be paid for District #36 before revenues would go to District #51. Alderman Kroeger reported discussions about a third Tax Increment District in this vicinity, which would provide a road to the school property and the park property. Elkins pointed out the area of another proposed district suggesting the City could overlap this district another time, but that it could create an issue in terms of the



payment schedule for the third Tax Increment District. Upon a vote being taken on the substitute motion to alter the outline of the Tax Increment District, motion carried with Kroeger abstaining.

The Mayor presented No. 04TI016, a request by Bill Freytag for a **Tax Increment District #51 - Project Plan** on Lot 12 thru 13, Madison's Subdivision in the E1/2 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the NE1/4, NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Country Road and west of Haines Avenue. Chapman moved, second by French to approve Tax Increment District #51 Project Plan. Elkins suggested the plan be revised to include the additional areas and recommended the inclusion of \$350,000. Elkins also suggested for the larger area, increasing the number and identify \$350,000 for park improvements and another \$350,000 for other necessary and convenient costs. She explained those would not be expended until such time as the City is certain revenues were sufficient. Substitute motion was made by Johnson, second by French to approve a revised Project Plan for Tax Increment District #51 for \$350,000 for park improvement, and another \$350,000 for other improvements. City Attorney Green suggested, because the previous action included a substantial change to the boundaries in this district, the item be continued to give staff the appropriate time to draft the project plan and give the Council enough time to review additional changes to the project plan. Substitute motion was made by French, second by Olson to continue Tax Increment District #51 Project Plan to the February 7, 2005 Council meeting. Motion carried with Kroeger abstaining from the vote.

### **PUBLIC WORKS COMMITTEE ITEMS**

Hadley moved, second by Olson to 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 (No. PW110904-05). Substitute motion was made by Johnson, second by Chapman to continue to the February 7, 2005 Council meeting. Motion carried.

The Mayor presented No. PW011105-01, Safe Streets Initiative Task Force report on the 5<sup>th</sup> Street/St. Cloud traffic issues and recognized Alderman Chapman, who extended his appreciation to the members of the task force and explained they are still in the process of gathering information, and looking at how to make the streets safer for the pedestrian. He reported they have combined efforts from several committees and have representation from the Path Committee, as well as the Bike/Walk/Run Committee and the Rapid City School District. The task force is looking at traffic and signalization, and the prioritization of signalization. He explained he was not prepared to discuss 5<sup>th</sup> Street/St. Cloud, as this is not one of the issues the task force is discussing. Chapman explained they are looking more in terms of global issues, like how to make Rapid City safer for the pedestrian and not specific individual streets. He reported the task force's next action will be over the month of February, and they will hold public hearings in five different locations in the middle schools and across the town. The dates, times and locations, once finalized, will be made public. He encouraged everyone to attend to discuss how to make the streets safer. The task force will make a recommendation to the Council on how to make the streets safer when the solutions have been identified. Alderman French reported there are those who would like to see a traffic signal at 5<sup>th</sup> Street and St. Cloud and explained the residents on Star Village are unable to execute a left turn movement onto 5<sup>th</sup> Street. Motion was made by French, second by Kooiker to place a traffic signal at 5<sup>th</sup>/St. Cloud.

David Seals, 515 Franklin Street reported the condition of Hayden Quillen and expressed his concern that nothing has been done at 5<sup>th</sup>/Franklin. He explained the Path Committee will not do anything and 5<sup>th</sup> Street remains as dangerous as ever. He suggested a light would be appropriate and offered support for the 5<sup>th</sup>/St. Cloud location. He reported the Wilson Elementary PTA will host a fund raiser and extended an invitation to the Council to attend. Mr. Seals suggested installing a light is a good first step, but there are other issues such as speed and running yellow and red lights. He reported a number of incidents on 8<sup>th</sup> Street at Franklin when drivers ignored the traffic signal and ran the red lights. He reported incidents when the school crossing guard was hit by a motorist. He suggested greater fines for those violators.

Alice Johnson, 515 Franklin Street thanked the Council on forming the Safe Streets Initiative Task Force, and reported the Path Committee discussed the 5<sup>th</sup> Street/Franklin intersection. The Path Committee indicated they did not see any reason to do any engineering intervention at this intersection. Ms. Johnson supported the installation of a traffic signal at 5<sup>th</sup>/St. Cloud suggesting it would provide a gap in the traffic that would enable vehicles to turn left on to or off of 5<sup>th</sup> Street. She pointed out there are no lights along 5<sup>th</sup> Street between Columbus and St. Patrick Street, a distance of seven tenths of a mile; and suggested this is too great a stretch of road for such a busy street to not have a way to slow the traffic. She pointed out that placing a light at the suggested intersection is a proactive approach. She commented that the placement of the light is in line with the goals of the Safe Street Initiative Task Force, and it will benefit the motorist along 5<sup>th</sup> Street and the pedestrians. Ms. Johnson suggested the opposition to placing a light at this intersection is based on the arguments that this is a reaction to only one situation, the accident involving Hayden Quillen; concern about the placement of the light at the crest of a hill; and the question of warrants. She reminded the Council that there had once been a light at this location and the light met the warrants at that time. She suggested if a light was installed, the motorist would use this intersection because it is safer.

Dallas Bowen, 336 Franklin Street Neighborhood Watch offered support the installation of the light at 5<sup>th</sup>/St Cloud. He reported traffic from Star Village is using an alley to access Franklin to St Patrick to 5<sup>th</sup> Street to proceed south on 5<sup>th</sup> Street. He reported sixty-four cars in a two-hour period during peak hours have used this alley. He explained the alley is posted at ten miles per hour, but the posted speed limit is exceeded. He also reported there have been parked cars and garbage cans hit. He expects traffic to increase since the extension of 5<sup>th</sup> Street to Catron Blvd. He pointed out there is no safe place for pedestrians to cross between Columbus and St. Patrick. He suggested if Rapid Transit is to serve Star Village, traffic would be backed up while the bus attempts to turn onto 5<sup>th</sup> Street. He suggested a light at this intersection will alleviate, avoids problems and there would be no use for the alley.

John Brewer, Barker & Little owner of 220 living units on Star Village indicated his awareness of the conditions at this intersection because he uses the intersection. He explained that as the property owner, the residents speak with him about safety issues and this intersection is a concern. He offered his thanks to the Path Committee and Safe Streets Initiative Task Force for their efforts and looking at the safety of the City streets. He suggested there is a need to regulate the traffic, and the light would be valuable in promoting safety and controlling speed on 5<sup>th</sup> Street.

Alderman Johnson explained the Council received a report from the police about the traffic and the placement of an officer at 5<sup>th</sup>/Franklin. He suggested it was unfair to indicate the police are not patrolling and noted the statistics relating to citations issued Citywide and along 5<sup>th</sup> Street.

He suggested this situation is a traffic issue rather than a pedestrian issue, explaining only four pedestrians crossed 5<sup>th</sup> Street during the four days the police department monitored the intersection in question. He offered support for the light at the intersection of 5<sup>th</sup>/St. Cloud and supported the relocation of the traffic signals from the LaCrosse/Philadelphia location to the 5<sup>th</sup>/St cloud intersection.

Finance Offer Preston raised the question of funding for the project and asked if staff is to reprioritize projects for 2005 to fund the installation of the light, Alderman French indicated she was interested in reprioritize projects, suggested funding was available in Council Contingency. French asked the Public Works Department to review the cost and report those costs to the Council.

Alderman Murphy spoke out against the motion suggesting the light could increase the accident risk. Alderman Hurlbut offered support for the light with some caveats: the speed and traffic flows at this intersection would be monitored to determine whether the signal is addressing the speeding motorist; consider the Range Road/Soo San Drive traffic issue, because the delays are greater than the 5<sup>th</sup>/St. Cloud intersection; and light timed in sequence with other signals along 5<sup>th</sup> Street. Alderman Olson remarked that is important to make a wise decision at this particular intersection and urged the community allow the Council enough time to determine whether the signal is appropriate for this intersection. Alderman Kooiker urged the Council to support motion and noted the signal program of years ago indicated the intersection of 5<sup>th</sup>/St. Cloud met the warrants at that time. He pointed out the intersection of 5<sup>th</sup>/Minnesota and 5<sup>th</sup>/Catron are signalized, and suggested they may not meet the warrants at the present time but they may meet anticipated warrants in the future. He suggested traffic will continue to increase along 5<sup>th</sup> Street and installing a light will address the traffic issues and allow the motorist to exit onto 5<sup>th</sup> Street more safely and could lend a safety factor for the occasional pedestrian. Alderman Chapman pointed the Safe Street Initiative Task Force will create a comprehensive public awareness plan about safe streets to encourage motorist to drive safely and the pedestrian to be more aware. Alderman Hadley suggested pedestrians have the right to expect that they can cross a street safely. He pointed out 23,000 vehicles per day travel 5<sup>th</sup> Street. He suggested the need to enforce the laws relating to the speeding motorist. He suggested if the City is going to provide transit service to Star Village, they will need to exit the area at 5<sup>th</sup> Street and will need a light to assist them. He commented that the community is challenged with speeding motorists and the motorist who runs yellow and red lights. He offered his support for a Citywide awareness campaign to educate the driving public. He pointed out that this particular intersection is not the only unsafe intersection in the City. Murphy and Johnson pointed out the intersection of Elm Avenue and St Patrick Street is in need of a traffic signal.

Upon a vote to approve a traffic signal at 5<sup>th</sup> Street/St. Cloud, motion carried on a roll call vote, with the following voting AYE: Hadley, French, Johnson, Kooiker and Hurlbut; NO: Chapman, Murphy, Kroeger, and Olson.

The Mayor presented No. PW011105-17, to request Rapid Transit Service (RTS) begin public transportation service to the Star Village area on a trial basis beginning March 1, 2005 through July, 2005; and report to the Council at the end of the trial period; whereupon Kooiker moved, second by French to approve. Holly Zuolanek, Baker & Little requested the transit service for the Star Village area explaining there are few individuals living in Star Village that drive, especially the elderly. Zuolanek indicated this service is needed based upon a survey that was conducted. A petition was circulated requesting the transit service. Transit Manager Sagen provided

information dealing with the south route only, that would provide eight lapse of service on a trial basis beginning March 1 until July 31. The local outlay for the project was \$10,000 for operating costs. The \$25,000 gross cost would require budget authority with the fare box revenues of approximately \$5,000, federal participation at \$10,000 and local participation at \$10,000. Sagen also put together a scenario for a combined north and south routes, and explaining his rational for a combined route. A driver hired for only a south route would drive for 25 minutes, set idol for 45 minutes, and return on the route for 25 minutes. He suggested the cost to provide the service to the north is marginal. Sagen indicated the costs to operate on a trial basis could be covered under the existing budget, but if the service is continued to the end of the year, a supplement to the budget would be required. He reported there are areas in the north that are not served - Silver Street area, Space and Explorer streets, Knollwood area, Maple Avenue apartments, Girls' Club, the new City swimming pool, and areas along Omaha. The service would begin with the south loop, which includes Star Village. Substitute motion was made by Johnson, second by Hadley to approve the request for Rapid Transit Service (RTS) to begin public transportation service on a north/south route to include the Star Village area on a trial basis beginning March 1, 2005 through July, 2005; and report to the Council at the end of the trial period. Upon a vote to approve, substitute motion carried.

Hadley moved, second by French to approve the Mallow Street Utility Extension Agreement with Robert Pesek. Substitute motion was made by Johnson, second by Olson to continue to the February 7, 2005 Council meeting. Motion carried.

### **APPROVAL OF BILLS**

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

Payroll Paid Ending 01-10-05, Paid 01-16-05	658,028.61
Payroll Paid Ending 01-10-05, Paid 01-16-05	1,632.80
Pioneer Bank, Taxes Paid 01-16-05	159,453.41
Pioneer Bank, Taxes Paid 01-16-05	117.03
Berkley Risk Administrators, December claims	25,904.40
First administrators, claims paid 1/15/05	34,035.98
First administrators, claims paid 1/15/05	78,729.55
1 <sup>st</sup> National Bank in Sioux Falls, SRF loan pmt	388,219.18
Black Hills Power & Light, electricity	4,761.56
Montana Dakota Utilities, gas	6,049.01
West river Electric Association, electricity	4,708.95
South Dakota Municipal League, registration	270.00
United States Postmaster, postage	2,400.00
Computer Bill List	<u>2,534,885.26</u>
Subtotal	\$3,899,195.74
Payroll Paid Ending 01-10-05, Paid 01-16-05	2,477.13
Pioneer Bank, Taxes paid 01-16-05	189.49
City of Rapid City, postage	5.11
City of Rapid City, health insurance	585.00
Dakota Business Center, copier maintenance	2.49

South Dakota Retirement System, December pension	403.99
South Dakota School of Mines, November phone	57.71
Standard Life, January Life	<u>7.92</u>
Total	\$3,902,924.58

**CITY ATTORNEY'S ITEMS**

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

The Council reconvened at 11:21 P.M. with all members present.

French moved, second by Olson to Table No. PW122804-02, to approve Option No. 01, moving forward on the acquisition of easements as it relates to Sewer Service to Lazy P-6 property, Centerline for Lazy P-6. The motion failed upon a roll call vote, with the following voting AYE: Murphy, French and Olson; NO: Hadley, Chapman, Kroeger, Johnson, Kooiker and Hurlbut.

Johnson moved, second by Hadley to continue No. PW122804-02, approve Option No. 01, moving forward on the acquisition of easements as it relates to Sewer Service to Lazy P-6 property, Centerline for Lazy P-6 to the February 7, 2005 Council meeting.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:24 P. M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)