

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 7, 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, February 7, 2005 at 7:00 P.M.

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

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

APPROVE MINUTES

French moved, second by Murphy and carried to approve the minutes of January 17, January 24, 2005 Special Council, and correct December 20, 2004 minutes to reflect a correct motion to Approve a Proposal in the amount of \$8,851.50 on upgrading anti-virus protection software to anti-spam and anti-spyware; and identifying Council Contingency as \$5,652 of the funding source.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- 2. A. Public Comment, Tonchi Weaver
- 6. Note agenda item was referred from Public Works Committee
- 9. A. Hwy 16 Future Neighborhood Land Use, Alderman Hurlbut
- 29. A. Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest in conjunction with Item Nos. 29 and 32.
- 130. Consider after Executive Session
- 138. Consider after Agenda Items 9. A.
- 132. Delete from agenda as is was disposed of in Committee

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

GENERAL PUBLIC COMMENT

Mr. Arnold Meyer of the Enchanted Hills Subdivision appeared before the Council and requested a water connection fee be waived. He reported receiving letters from the Water Association about water tap fees, and the City Finance Office about \$500 owed for an outstanding fee on his property on Dan Christy Lane. He explained he was offered the options of either paying a monthly surcharge on his water bill of \$30 per month until the \$500 is paid; or

pay the \$500 invoice in a lump sum. He noted he paid the \$500 invoice in full under protest. He explained the water connection fee should have been paid April, 1999 when a building permit was issued. He pointed out the City neglected to collect the fee at the appropriate time. He suggested the City also neglected to collect the \$500 when the water was turned on at this property. He explained there have been two previous owners of this property. City Attorney Green indicated the charges are the result of an agreement the City has with the Water Users Association, whereby the City took over the Water Users Association infrastructure and provides water. He suggested that although the City did not collect the fee originally, this does not prevent the City from collecting the fee that is due. Alderman Kooiker questioned whether the Council could waive the fee. City Attorney Green advised to waive the fee would essentially be a waiver the City's obligation under the contract with the Water Users Association. Responding to a question from Alderman Kooiker, Green explained that the Register of Deeds keeps records of property ownership and encumbrances on the property. This connection fee does not constitute an encumbrance on the property. It is an obligation incurred through membership in the Water Users Association. Alderman Johnson pointed out this item is between the Association and the previous owners of the property; suggested it was not fair to ask the rest of the rate payers to pay the benefit that is assigned to the property.

Tonchi Weaver, 1306 38th Street, addressed the Council on agenda item #7. She pointed out the attached resolution outlined a number of intersections requiring permanent traffic signals. She urged the Council to fulfill their commitment and insure the resolution was completed by installing the traffic signals at Soo Sand Drive/Range Road intersection.

BID OPENINGS AND AWARD

The following companies submitted bids for No. CC020705-01, Automated Solid Waste Collection Containers for the Solid Waste Operations, opened Thursday, February 3, 2005; 2:30 P.M.: Toter Inc., Sanitation Products, Rotonics Manufacturing, Rehrig Pacific, Northern Truck Equipment, and Otto Environmental Systems. Staff reviewed the bids and recommends the bids referred to the Public Works Committee meeting. Kroeger moved, second by Murphy and carried to refer the Automated Solid Waste Collection Containers to the February 15, 2005 Pubic Works Committee.

ITEMS FROM THE MAYOR

Operations Management Engineer Johnson briefed the Council on the 2012 projects, reporting the near completion of the PSB parking ramp; completion of the 3rd and 4th floors; and construction of the 1st and 2nd floors at the east end of the building. He reported that when staff is relocated to the completed floors, construction will begin on the 1st floor and basement at the west end of the building. He reported the jail annex (not a 2012 project) remains under construction. He reported the Dahl remains in design development and that he anticipated an amendment to the consultant's contract will be brought forward in March. He explained the project has increased in scope and complexity; and the costs have increased because of inflation. Alderman Johnson remarked that they needed to keep in mind the Council originally committed \$4 Million for the project; and suggested any expansion of the project should be taken through the recommending 2012 Committees. Alderman Olson suggested they all needed to remember that through the process, the Dahl Center project is become much more focused and the Rapid City Arts Council are going to be increasingly better stewards for the project, as a whole; because their efforts to fine tune the needs and costs have been extensive.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Kooiker pointed out there were previous discussions at the Public Works Committee meeting regarding the New York Street skatepark and the fact that cars were using the disability access to park vehicles in front of the skatepark. The discussion at Public Works was that this was not a parking lot; however a parking lot would be beneficial. The City did ticket those vehicles parked at the skatepark. He pointed out that during the stock show the entire area was used to park trailers. He suggested the City needed to accommodate parents wanting to watch their children at the skatepark. Kooiker moved, second by French and carried to refer the Parking at New York Street Skate Park to the February 15, 2005 Public Works Committee meeting.

(Information only) Alderman French explained there have been some septic expenses paid by the City for private enterprise along Elk Vale Road. Public Works Director Jablonski explained that for a period of time McDonald's was not charged for sewer service, because they believed they were on a septic tank. He explained that those back charges were made and paid by McDonald's; and from that point on, they have made their regular monthly payment. Jablonski reconstructed a timeline for the sewer service to the Heartland Retail Service Center along Elk Vale Road. Beginning October 25 to the current date, the City has collected sewage in a holding tank and has pumped that sewage for disposal. January 17, 2003 an agreement was reached regarding the Heartland Tax Increment District about who would pay for what between the City and developer. The City was to assume the cost of the planned lift station and force main at that time. March 21, 2003 the City submitted RFP's to engineering consultants for the lift station study and recommendation. April 21 the City entered into an agreement with KLJ Engineering for engineering services to study the lift station. May 22, 2003 Planning Commission minutes indicate the City has agreed to complete construction facilities under a City contract. May 28, 2003 a private development agreement PID #38 specifically excluded the lift station or force main components. Jablonski explained that it appears the results of the lift station study show that the City would be better served by installing a gravity sewer to the lift station that is located near the Visitor Information Center. He suggested that although, it was discussed that rather than a lift station a gravity sewer would be more beneficial. It was decided to put in a holding tank, which was far less money than a lift station. He explained informal quotes were solicited for the holding tank on September 9, 2003 and on September 18, 2003 Hills Septic was hired to provide the pumping service for the holding tank. June 4, 2004 to October 4, 2004 negotiations were ongoing for the easements, permits and approvals for the gravity sewer main. August 19, 2004 the pumping costs to date were \$18,960; and on August 26, 2004 a new bid was solicited for pumping the holding tank. September, 2004 final design documents are completed by KLJ Engineering for the gravity sewer; on November 15, 2004 a contract was awarded to Mainline Contracting for a gravity sewer main construction. January 3, 2005 the construction of the main began and its completion date is April, 2005. As part of the contract with Mainline Contracting, the contractor is required to maintain the sewer service during the course of the construction. The City no longer has a direct contract with a septic hauler to pump the holding tank. He indicated it appeared staff did not bring the contracts to pump the sewage forward to be acknowledged by the Council.

Hurlbut moved, second by Kooiker and carried to refer No. PW020105-20, Proceed with the installation of a traffic signal at Soo San Drive/Range Road intersection to the February 15, 2005 Public Works Committee meeting.

The Mayor presented No. PW020105-17/No. LF020205-05, Revenue/Funding Options for 2012 programs. City Finance Officer Preston indicated at Council direction financial figures were provided on bonding for five years or seven years or pay as you go for the 2012 program. Alderman Johnson pointed out that it appears the City is better off bonding the program for seven years. The assumption is that you will spend the money at a slower rate, but the reality is there will be a number of projects at the beginning. Responding to a request from Alderman Olson, Preston indicated there are some advantages relating to bonding for the program. If you do a lot of projects upfront, you can take advantage of the bonding. However, the City has bonded twice for the 2012 program for seven years. There is a carryover of two years for the debt payment. The debt structure is amended to remain consistent throughout the seven year period. Preston indicated he favored pay-as-you-go; this is fiscally conservative. Preston summarized a five-year bond based on projections, as \$17,670,000. After taking in sales tax and interest and commitments the City will have \$17,703,000 to fund projects. Over the five-year going to June 30, 2010 with no projects, the City will have \$37 Million. Pay-as-you-go, not bonding, at the end of the first year the City will have \$3 Million for projects, the following year is \$6 Million and at the end of the five years, the City would have \$38 Million. The seven-year bond would be \$27,595,000. After taking in sales tax and interest and commitments the City will have \$26,463,000 in the first year; over the full seven years, the City will generate \$58,847,000. Kooiker moved, second by Johnson to proceed with the Pay-AS-You-Go plan, as it allows for the greatest flexibility. Preston indicated his assumption, regarding the motion on the floor, was a five-year plan of pay as you go. Alderman Johnson suggested financing would depend upon how the 2012 Committees bring their projects forward. Alderman Kroeger commented a five-year Pay-As-You-Go concept is too limiting. City Attorney Green indicated the restrictions on the use of the funds, percentages within the 2012 program, apply to the five-year plan. So, even though going on the Pay As You Go basis, the projects can be taken individually in one year and the Council can devote all the funds in one year to infrastructure projects or civic improvement projects. Over the life of the five year plan, the Council must ensure they have properly allocated the correct amount of funds. Todd Ossenfort asked for a decision from the Council, whether it be the five or seven year bonding, or pay as you go. He reported there are two more public hearings for the 2012 program. Alderman Johnson reminded the Council the City is still pay off debt in 2005 and 2006, the first years of the new program. He suggested the Council could begin the program as a pay as you go, but change to the bonding process later in the program, if it is deemed necessary. Alderman French brought up the fact that water and sewer needs to be addressed along Hwy 16. Substitute motion was made by French to approve a five-year bond for the 2012 program. The Chair ruled the motion died for lack of a second. Alderman Waugh called the question, there being no objection, a vote was taken on the motion to approve a five-year pay as you go plan for the 2012 program. Motion carried with French voting NO.

The Mayor presented No. LF020205-07, CIP Committee monthly update. Alderman Johnson explained the School District brought forward a request to carpet 1st and 2nd floors of C/SAC. Alderman Kooiker indicated his concern was the funding for the carpeting, because SDDOT funds were proposed for the carpet project. Kooiker moved, second by French and carried to refer Funding City/School Administration Center, 1st/2nd floors carpeting to the February 15, 2005 Public Works Committee meeting.

Alderman Hurlbut brought forward the Hwy 16 Future Neighborhood Land Use Plan, requesting staff to bring forward at the Special Council meeting on February 28, 2005 the cost for extension

of services, such as snow removal, storm sewer, road maintenance, police, traffic management, etc.; along with the extension of infrastructure. Growth Management Director Elkins assured the Council this information would be provided.

CONTINUED ITEMS CONSENT CALENDAR – Items 10-45

The following items were removed from the Consent Calendar:

20. 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 Red Rock Meadows Subdivision, 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 SW1/4 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.

29. No. 04PL212 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Layout and Preliminary Plat** on a portion of Tract T 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 BR of Trailwood Village, common to a point on the northerly edge of the right-of-way of SD State Highway 44, and the Point of Beginning; Thence, first course: N68°57'27"E, along the southerly boundary of said Lot BR, a distance of 209.64 feet, to an angle point on the southerly boundary of said Lot BR; Thence, second course: S65°06'07"E, along the southerly boundary of said Lot BR, a distance of 72.70 feet, to a point on the southerly boundary of said Lot BR, common with a point on the westerly end of the edge of right-of-way of Avery Drive; Thence, third course: S24°53'53"W, along the westerly end of the edge of right-of-way of said Avery Drive, a distance of 60.00 feet; Thence, fourth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 10.00 feet; Thence, fifth course: S24°53'53"W, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, sixth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 25.00 feet; Thence, seventh course: N24°53'53"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, eighth course: southeasterly, along the southerly edge of said Avery Drive, curving to the right on a curve with a radius of 1983.52 feet, a delta angle of 09°09'25", an arc length of 317.00 feet, a chord bearing of S60°31'25"E, and a chord distance of 316.66 feet, to the southeasterly corner of said Avery Drive, common to a point on the westerly edge of the right-of-way of Covington Street; Thence, ninth course: southwesterly, along the westerly edge of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 06°21'52", an arc length of 57.76 feet, a chord bearing of S37°14'14"W, and chord distance of 57.73 feet, to a point of tangency on the westerly edge of the right-of-way of said Covington Street; Thence, tenth course: S40°25'09"W, along the westerly edge of the right-of-way of said Covington Street, a distance of 142.61 feet, to the southwesterly corner of the right-of-way of said Covington Street, common to a point on the northerly edge of the right-of-way of said SD State Highway 44; Thence, eleventh course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 534.30 feet, to the

southwesterly corner of said Lot BR of Trailwood Village, and the Point of Beginning; said parcel contains 1.968 acres, more or less, located at the intersection of Avery Drive and Covington Street.

32. No. 04SV079 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T 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 BR of Trailwood Village, common to a point on the northerly edge of the right-of-way of SD State Highway 44, and the Point of Beginning; Thence, first course: N68°57'27"E, along the southerly boundary of said Lot BR, a distance of 209.64 feet, to an angle point on the southerly boundary of said Lot BR; Thence, second course: S65°06'07"E, along the southerly boundary of said Lot BR, a distance of 72.70 feet, to a point on the southerly boundary of said Lot BR, common with a point on the westerly end of the edge of right-of-way of Avery Drive; Thence, third course: S24°53'53"W, along the westerly end of the edge of right-of-way of said Avery Drive, a distance of 60.00 feet; Thence, fourth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 10.00 feet; Thence, fifth course: S24°53'53"W, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, sixth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 25.00 feet; Thence, seventh course: N24°53'53"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, eighth course: southeasterly, along the southerly edge of said Avery Drive, curving to the right on a curve with a radius of 1983.52 feet, a delta angle of 09°09'25", an arc length of 317.00 feet, a chord bearing of S60°31'25"E, and a chord distance of 316.66 feet, to the southeasterly corner of said Avery Drive, common to a point on the westerly edge of the right-of-way of Covington Street; Thence, ninth course: southwesterly, along the westerly edge of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 06°21'52", an arc length of 57.76 feet, a chord bearing of S37°14'14"W, and chord distance of 57.73 feet, to a point of tangency on the westerly edge of the right-of-way of said Covington Street; Thence, tenth course: S40°25'09"W, along the westerly edge of the right-of-way of said Covington Street, a distance of 142.61 feet, to the southwesterly corner of the right-of-way of said Covington Street, common to a point on the northerly edge of the right-of-way of said SD State Highway 44; Thence, eleventh course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 534.30 feet, to the southwesterly corner of said Lot BR of Trailwood Village, and the Point of Beginning; said parcel contains 1.968 acres, more or less, located at the intersection of Avery Drive and Covington Street.

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

Continue the following items until February 21, 2005:

4. 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** on a right-of-way 76.00 feet in width with centerline described as follows: Commencing at the found corner stamped R.L.S. No. 4208 of the center 1/4 of Section 26; thence N56°29'51"W along a non-visual line, 972.17 feet 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 56°04'11", and a curve length of 587.16 feet; Thence S57°22'20"W 343.27 feet; Thence along a curve to the left having a radius of 600.00 feet, included angle of 56°04'11", and a curve length of 587.16 feet; Thence S01°18'09"W 150.00 feet to a point on the south line of section 26; said parcel containing 6.15 acres more or less and located in the SE1/4NW1/4 and SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, City of Rapid City, South Dakota, located east of South Highway 16 and south of U.S. Highway 16B (Catron Boulevard).

5. No. 04CA067 - A request by Fisk Engineering for Bailey Associates, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 9.70 acre parcel of land from General Agriculture to Light Industrial** the west 320 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current eastern terminus of Commerce Road.
6. No. 04CA068 - A request by Fisk Engineering for Bailey Associates, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on an approximate 130.9 acre parcel of land from Park Forest to Light Industrial** on the east 1000 feet of the SE1/4 SE1/4 of Section 27, T2N, R7E, BHM; the SW1/4 SW1/4 of Section 26, T2N, R7E, BHM; and the east 1000 feet of the E1/2 NE1/4 of Section 34, T2N, R7E, BHM, all located in Rapid City, Pennington County, South Dakota, located at the current eastern terminus of Commerce Road.
7. No. 04CA069 - A request by Dan McFarland for Jeff and Patty Griffith for an **Amendment to the Comprehensive Plan to change the future land use designation on a .48 acre parcel of land from Low Density Residential to Low Density Residential-II** on Lots 1 and 2, Block 85, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of the intersection of MacArthur Street and Wood Avenue.
8. 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.
9. 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.
10. 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.

11. 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.
12. 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.
13. No. 04PL148 - A request by Davis Engineering for a **Preliminary Plat** on Lots 10 thru 13, Block 3; Lots 9 thru 15, Block 4; Lots 2 thru 7, Block 5; Lot 1, Block 8; Lots 2, Block 10; Lots 2 thru 5, Block 11; all located in Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of Reservoir Road.
21. 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.
22. 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 East Anamosa Street.
23. 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 the 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.
24. 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 (N $\frac{1}{2}$ SW $\frac{1}{4}$) and in the Southwest One Quarter of the Northwest One-Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) 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.

25. No. 04PL194 - A request by Sperlich Consulting, Inc. for Dennis Zandstra for a **Preliminary and Layout Plat** on the 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.
26. 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.
27. No. 04PL210 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Layout and Preliminary Plat** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460 acres more or less, located at the northwest corner of the intersection of Long View Road and Reservoir Road.
28. No. 04PL211 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.

30. No. 04RZ063 - Second Reading, **Ordinance No. 5020**, 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.
31. No. 04RZ064 - Second Reading, **Ordinance No. 5021**, 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 northeast corner of the intersection of MacArthur Street and Wood Avenue.
33. No. 04SV080 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement and to waive the requirement to provide a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T of Trailwood Village, located in the SE1/4 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 3 of Block 22, Trailwood Village, Thence, S00°03'09"W, a distance of 346.91 feet to the northeasterly corner of the boundary, and the Point of Beginning; Thence, first course: S00°05'47"W, a distance of 317.18 feet, to the southeasterly corner of said boundary; Thence, second course: S89°49'52"W, a distance of 227.28 feet, to the southwesterly corner of said boundary; Thence, third course: N00°04'24"W, a distance of 199.81 feet, to the northerly corner of said boundary; Thence, fourth course: N65°25'59"W, a distance of 24.18 feet, to the northwesterly corner of said boundary; Thence, fifth course: N00°04'24"E, a distance of 35.04 feet, to the northerly corner of said boundary; Thence, sixth course: S89°55'36"E, a distance of 40.00 feet, to the northeasterly corner of said boundary; Thence, seventh course: N00°04'24"E, a distance of 73.27 feet, to the northerly corner of said boundary; Thence, eighth course: S89°55'36"E, a distance of 209.43 feet, to the northeasterly corner of said boundary, and the Point of Beginning, said parcel contains 1.460 acres more or less, located at the northwest corner of the intersection of Long View Road and Reservoir Road.
34. No. 04SV081 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Limelight Lane and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Section Line Highway as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1-3, Block 1, Buehner Subdivision located in the W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, legally described as W1/2 W1/2 SW1/4 of Section 32, T1N, R7E, BHM, Pennington County, South Dakota, located at the current southern terminus of Limelight Lane.
35. No. 04VR013 - A request by Fisk Land Surveying & Consulting Engineers for Donald Potts for a **Vacation of a portion of undeveloped section line right-of-way** in the SW1/4, SW1/4, SE1/4 and SE1/4, SW1/4, SE1/4, less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive.

Continue the following items until March 7, 2005:

36. No. 04AN009 - A request by Dream Design International, Inc. for a **Petition for Annexation** in 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.
37. No. 04AN010 - A request by Dream Design International Inc. for a **Petition for Annexation** on in 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.
38. 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** in 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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** in 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.

44. 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 Lots 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.
45. 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 Block 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.

End of Continued Items Consent Calendar

29. The Mayor presented No. 04PL212, a request by Sperlich Consulting, Inc. for Gordon Howie for a **Layout and Preliminary Plat** on a portion of Tract T 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 BR of Trailwood Village, common to a point on the northerly edge of the right-of-way of SD State Highway 44, and the Point of Beginning; Thence, first course: N68°57'27"E, along the southerly boundary of said Lot BR, a distance of 209.64 feet, to an angle point on the southerly boundary of said Lot BR; Thence, second course: S65°06'07"E, along the southerly boundary of said Lot BR, a distance of 72.70 feet, to a point on the southerly boundary of said Lot BR, common with a point on the westerly end of the edge of right-of-way of Avery Drive; Thence, third course: S24°53'53"W, along the westerly end of the edge of right-of-way of said Avery Drive, a distance of 60.00 feet; Thence, fourth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 10.00 feet; Thence, fifth course: S24°53'53"W, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, sixth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 25.00 feet; Thence, seventh course: N24°53'53"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, eighth course: southeasterly, along the southerly edge of said Avery Drive, curving to the right on a curve with a radius of 1983.52 feet, a delta angle of 09°09'25", an arc length of 317.00 feet, a chord bearing of S60°31'25"E, and a chord distance of 316.66 feet, to the southeasterly corner of said Avery Drive, common to a point on the westerly edge of the right-of-way of Covington Street; Thence, ninth course: southwesterly, along the westerly edge of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 06°21'52", an arc length of 57.76 feet, a chord bearing of S37°14'14"W, and chord distance of 57.73 feet, to a point of tangency on the westerly edge of the right-of-way of said Covington Street; Thence, tenth course: S40°25'09"W, along the westerly edge of the right-of-way of said Covington Street, a distance of 142.61 feet, to the southwesterly corner of the right-of-way of said Covington Street, common to a point on the northerly edge of the right-of-way of said SD State Highway 44; Thence, eleventh course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 534.30 feet, to the southwesterly corner of said Lot BR of Trailwood Village, and the Point of Beginning; said parcel contains 1.968 acres, more or

less, located at the intersection of Avery Drive and Covington Street. (APPROVE LAYOUT AND PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for S. D. Highway 44. In particular, the road construction plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 2. 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 necessary; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 4. Prior to Preliminary Plat approval by the City Council, a construction plan shall be submitted for review and approval for Covington Street. In particular, the road construction plan shall show the sidewalk or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to add the note, "prior to a building or construction permit being issued, downstream drainage improvements as approved by the City of Rapid City and Pennington County are to be constructed"; and, 6. 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.)

29. A. Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest

32. The Mayor presented No. 04SV079, a request by Sperlich Consulting, Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to construct curb, gutter, sidewalk and street light conduit along S.D. Highway 44 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract T 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 BR of Trailwood Village, common to a point on the northerly edge of the right-of-way of SD State Highway 44, and the Point of Beginning; Thence, first course: N68°57'27"E, along the southerly boundary of said Lot BR, a distance of 209.64 feet, to an angle point on the southerly boundary of said Lot BR; Thence, second course: S65°06'07"E, along the southerly boundary of said Lot BR, a distance of 72.70 feet, to a point on the southerly boundary of said Lot BR, common with a point on the westerly end of the edge of right-of-way of Avery Drive; Thence, third course: S24°53'53"W, along the westerly end of the edge of right-of-way of said Avery Drive, a distance of 60.00 feet; Thence, fourth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 10.00 feet; Thence, fifth course: S24°53'53"W, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, sixth course: S65°06'07"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 25.00 feet; Thence, seventh course: N24°53'53"E, along the southerly edge of right-of-way of said Avery Drive, a distance of 20.00 feet; Thence, eighth course: southeasterly, along the southerly edge of said Avery Drive, curving to the right on a curve with a radius of 1983.52 feet, a delta angle of 09°09'25", an arc length of 317.00 feet, a chord bearing of S60°31'25"E, and a chord distance of 316.66 feet, to the southeasterly corner of said Avery Drive, common to a point on the westerly edge of the right-of-way of Covington Street; Thence, ninth course: southwesterly, along the westerly edge of said Covington Street, curving to the right on a curve with a radius of 520.00 feet, a delta angle of 06°21'52", an arc length of 57.76 feet,

a chord bearing of S37°14'14"W, and chord distance of 57.73 feet, to a point of tangency on the westerly edge of the right-of-way of said Covington Street; Thence, tenth course: S40°25'09"W, along the westerly edge of the right-of-way of said Covington Street, a distance of 142.61 feet, to the southwesterly corner of the right-of-way of said Covington Street, common to a point on the northerly edge of the right-of-way of said SD State Highway 44; Thence, eleventh course: N51°11'35"W, along the northerly edge of the right-of-way of said SD State Highway 44, a distance of 534.30 feet, to the southwesterly corner of said Lot BR of Trailwood Village, and the Point of Beginning; said parcel contains 1.968 acres, more or less, located at the intersection of Avery Drive and Covington Street.

Waugh moved, second by Kroeger to approve the above-reference agenda items Nos. 29, 29A and 32. Motion carried with Johnson voting NO.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

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

Chapman moved, second by Kroeger and carried with Alderman French voting NO to approve the following alcohol license applications.

On-Sale Retail Liquor License Transfer

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

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

Special Malt Beverage and Wine License

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

Set for Hearing (February 21, 2005)

Chapman moved, second by Kroeger and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held on Monday, February 21, 2005.

Off-Sale Package Liquor License

48. LeRoy S. Gross dba **Autumn Hills Plaza Liquor**, 5312 Sheridan Lake Road, Suite 103, for an Off-Sale Package Liquor License

On-Sale Retail Liquor License Transfer

49. Jason Cox, SKS Productions dba **Venue 8**, 504 Mt. Rushmore Road, for an On-Sale Retail Liquor License Transfer from High Plains Securities dba **The Reef**

Special Malt Beverage and Wine License

50. **Rapid City Area Chamber of Commerce** for a Special Malt Beverage and Wine License for use on March 8, 2005 at Dacotah Bank, 125 Main Street

51. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on February 25, 2005 at Dahl Arts Center, 713 7th Street
52. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on February 26, 2005 at Dahl Arts Center, 713 7th Street
53. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on March 6, 2005 at Dahl Arts Center, 713 7th Street
54. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on April 8, 2005 at Dahl Arts Center, 713 7th Street
55. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on May 7, 2005 at Dahl Arts Center, 713 7th Street
56. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on July 8, 2005 at Dahl Arts Center, 713 7th Street
57. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on September 23, 2005 at Dahl Arts Center, 713 7th Street
58. **Rapid City Arts Council, Inc.** for a Special Malt Beverage and Wine License for use on December 9, 2005 at Dahl Arts Center, 713 7th Street

CONSENT CALENDAR ITEMS – 59-116

The following items were removed from the Consent Calendar:

71. No. PW011105-11 Approve Freeland Meadows location for Mall Ridge Lift Station, with understanding developer will pay entire cost of lift station; and Rapid City will not be responsible for timeframe of the project.

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

Public Works Committee Consent Items

59. Approve Miscellaneous Improvements Project - Sheridan Lake Road Sidewalk, Canyon Lake Drive to Rapid Creek bridge (west side of street)
60. No. PW020105-01 Approve Change Order No. 01 for Heidiway Lane Sanitary Sewer Extension Project No. SS01-1061 to Mainline Contracting, Inc. for an increase of \$286.40.
61. No. PW020105-02 Approve Change Order No. 04 and final for Schamber Addition (Cleghorn Water Association) Water Main Extension Project No. W03-1286 to R. C. S. Construction, Inc. for an increase of \$882.08.
62. No. PW020105-03 Approve Change Order No. 02 and final for Roadway Marking Contract Project No. PM04-1394 to United Rentals Highway Technologies, Inc. for a decrease of \$10,142.95.
63. No. PW020105-04 Authorize staff to advertise for bids for One (1) New Current Year Sander/Spreader for Street Division.
64. No. PW020105-05 Authorize staff to advertise for bids for One (1) New Current Year Vacuum Street Sweeper for Street Division.
65. No. PW020105-06 Authorize staff to advertise for bids for One (1) New Current Year Tandem Axle Dump Truck for Street Division.
66. No. PW020105-07 Authorize staff to advertise for bids for One (1) New Current Year Regenerative Air Street Sweeper for Street Division.

67. No. PW020105-08 Authorize staff to advertise for bids for Texas Street, Arizona Street and Nebraska Street Mill and Overlay Project No. ST03-1083, CIP #50136.
68. No. PW020105-09 Authorize staff to advertise for bids for Tower Road Reconstruction, Cathedral Drive to bridge over 8th Street, Project No. ST04-1371.
69. No. PW020105-10 Authorize staff to advertise for bids for Eleventh Street Sanitary Sewer Reconstruction Project No. SS04-1421, CIP #50567.
70. No. PW020105-13 Authorize Mayor and Finance Officer to sign an agreement with CETEC Engineering Services, Inc. for Well No. 5 Pump Replacement Project No. W05-1450 for an amount not to exceed \$5,590.
72. Approve payment of invoice to Adams Machine in the amount of \$78,819.57 for repair and replacement of Material Recovery Facility baler cylinder, and related work.
73. No. PW020105-16 Authorize staff to purchase One (1) New Current Model Year Articulating Motor Grader under RDO Equipment Company contract dated June 21, 2004 in the amount of \$169,525.
74. No. PW020105-18 Acknowledge report on Department of Environment and Natural Resources on Haines Avenue.
75. No. 05SE001 Approve an Exception to the Street Design Criteria Manual to allow curb side sidewalks in lieu of property line sidewalks along Avery drive as per the Street Design Criteria Manual for petitioner Sperlich Consulting, Inc. on 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.

76. Authorize the preparation of an H-Lot plat; and authorize the acceptance of a deed for the H-Lot on a tract of land to be dedicated for highway purpose in the NW1/4 of the NE1/4 of Section 27, T1N, R7E, RHM, Rapid City, Pennington County, South Dakota.

Legal & Finance Committee Consent Items

77. No. LF020205-01 Approve appointment of Bill Rasmussen as a Citizen Representative to the existing Deer Task Force.
78. No. LF020205-02 Approve reappointment of Bob Rothermel and Bob Warax to the Trenching Board.
79. No. LF020205-03 Approve reappointment of Rich Clegg as the Wholesale Business Representative, Steve Street as the Contractor Representative, and George Thompson as Representative of the Natural Gas Industry to the Mechanical Board.
80. No. LF020205-04 Approve appointment of Ida Marie Fast Wolf as a Planning Commission Representative to the TIF Committee.
81. No. LF020205-25 Approve appointment of Doug Andrews to the Planning Commission as Three Mile Representative.
82. No. LF020205-08 Approve Capital Plan for Streets, Drainage, MIP Projects Revisions.
83. No. LF020205-10 Approve CIP Parks & Recreation 2004 Carryover Reallocation.
84. No. LF020205-09 Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Robert Looyenga.
85. No. LF020205-26 Approve Travel Request for Mike Jordahl and Jon Dicks to attend Complex Latent Print Examination Course in Huntsville, TX, from March 21-23, 2005, in the approximate amount of \$2,274.
86. No. LF020205-11 Authorize Mayor and Finance Officer to sign Medical Director Agreement with Dr. Kelly Manning for 2005.
87. Authorize a 4.4% rate increase for Ambulance Service.
88. Approve Travel Request for Craig Chilson to attend ARFF Train the Trainer School & Forcible Entry School in Tucson, AZ, from March 6-12, 2005, in the Approximate Amount of \$1,965.
89. No. LF020205-27 Approve Travel Request for John Knight, Air Quality Specialist, to attend the Bee-Line Software Training in Asheville, NC for the PERMITS and AerMod-Prime Software Classes from February 21, 2005 to February 23, 2005 in an Estimated Amount of \$1,937.00. As class sizes are limited, staff further recommends approval of the alternate class dates of April 4, 2005 to April 6, 2005 in the event the February classes are full.
90. 05TP001 Authorize Mayor and Finance Officer to sign an agreement with LSA Associates, Inc., to accomplish the Rapid City Area Long Range Transportation Plan Update for an amount not to exceed \$125,562.
91. 05TP002 Authorize Mayor and Finance Officer to sign an Addendum to and Agreement with the South Dakota Department of Transportation to accomplish the Rapid City Area Metropolitan Planning Organization's transportation planning process by consolidating previous agreements into the 2005 Agreement (no cost addendum).
92. 05TP003 Authorize Mayor and Finance Officer to sign an Amendment to the 2005 Unified Planning Work Program by consolidating the 1999, 2000, 2001, 2002, 2003 and 2004 Unified Planning Work Programs into the 2005 Unified Planning Work Program (no cost addendum).
93. No. 771 Approve a request by City of Rapid City for a **Dissolution of Tax Increment District #18** on a parcel of land located in the balance of Block 4 of Rushmore Regional Industrial Park in the East ½ of Section 4, T1N, R8E, BHM in Pennington County, SD as

shown on the plat recorded in the Pennington County Register of Deeds Office in Plat Book 21, page 189; being more particularly described as follows: Beginning at the southeast corner of said Parcel; the southeast corner of said Parcel being common with the southwest corner of the previously platted Lot 3 of Block 4 of Rushmore Regional Industrial Park as shown on the aforementioned plat; thence N0°21'E, a distance of 442.35' along the westerly line of said Lot 3 to the northeast corner which is common with the northwest corner of Lot 3 of Block 4 of Rushmore Regional Industrial Park; thence S89°51'W, a distance of 594.35' along the northerly line of Block 4 to the northwest corner; thence S0°21'W, a distance of 437.16' to the southwest corner, which is an intersection with the northerly right-of-way line of previously platted Jet Drive; thence S89°39'E, a distance of 594.33' along the northerly right-of-way line of previously platted Jet Drive to the Point of Beginning, said parcel of land contains 6.00 acres, more or less, more generally described as being located north of Jet Drive in the Rapid City Regional Industrial Park.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER EIGHTEEN

WHEREAS the City of Rapid City created Tax Increment District Number Eighteen on January 15, 1990; and,

WHEREAS all expenditures have been made in accordance with the adopted project plan for Tax Increment District Number Eighteen adopted on July 2, 1990; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Eighteen be, and the same hereby is, dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Eighteen, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 7th day of February, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 94. Authorize preparation of an H Lot and acceptance of a deed regarding Phase One of the Red Rock Meadows Subdivision.
- 95. No. LF020205-12 Approve a Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Parks Department

1979 Ford one ton with two yard dump body and hoist, VIN #F37SRFA6565, Inventory No. 0607-610-001461

Street Department

DEPT	CLASS	INVENTORY No.	S/N	DESCRIPTION	CONDITION
0302	0680	01540	202455	92 Chevy Sander/Plow Truck	13 yrs. old, excessive repair cost
0301	0680	007128	87V1943	76 Cat 120 Motor Grader	29 yrs. old, excessive repair cost
0401	0680	000105	02243	96 Ford/Aaplex Sweeper	9 yrs. old, excessive repair cost
0401	0680	000106	02244	96 Ford/Aaplex Sweeper	9 yrs. old, excessive repair cost

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 7th day of February, 2005.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 96. Approve the appointments of Tom Johnson, Bill Waugh, and Bob Hurlbut to the subcommittee to recommend selection of real estate broker to list and sell property north of the Visitor Center on Elk Vale Road and north and adjoining the future extension of Mall Drive.
- 97. No. LF020205-13 Authorize Mayor and Finance Officer to sign Space Lease Agreement with the Rushmore Plaza Civic Center for the Black Hills Finance Officers Speaker Presentation on April 7, 2005, in the amount of \$300.
- 98. No. LF020205-14 Approve Travel Request for Cathy Druckrey to attend the National Public Employer Labor Relation Association Conference in Ft. Lauderdale, FL, April 9-15 in the approximate amount of \$1,934.
- 99. No. LF020205-15 Approve Assignment of Friendship House Lease to the Pennington County Sheriff with the provision that either Pennington County or the City of Rapid City may terminate the lease and also that the consideration for the lease be in the amount of one dollar.
- 100. No. LF020205-16 Approve Travel Request for Barb Iwan, Assistant Aquatics Division Manager, to attend the National Aquatic Conference in Las Vegas, NV from March 1-7, 2005, in an approximate amount of \$1,882.
- 101. No. LF020205-17 Authorize Mayor and Finance Officer to sign Contract with the Rapid City Red Dogs for Trade of Advertising Costs and Use of the Multi-Purpose Room.

102. No. LF020205-18 Approve Proposed Sponsorship Agreement for the Hershey Track Meet.
103. No. LF020205-19 Approve the Proposed Guidelines for the Rapid City Parks & Recreation Scholarship Program.
104. Authorize staff to apply for a 2005 Tennis in the Park Program Grant from the United States Tennis Association.
105. No. LF020205-21 Approve Travel Request for Jerry Wright to attend Annual Biocycle Conference Co-Composting and Organics Recycling in San Francisco, CA, from March 5-10, 2005, in an approximate amount of \$1,792.
106. No. LF020205-22 Authorize Mayor and Finance Officer to sign Agreement with the State of South Dakota for calendar year 2005 State Funding for the Rapid Transit System.
107. No. LF020205-20 Approve Travel Request for Jason Green to attend Employment and Labor Relations Law Seminar in Chicago, IL, May 11-14, 2005, in the approximate amount of \$2,527.
108. No. LF020205-28 Authorize Mayor and Finance Officer to sign Agreement with the South Dakota School of Mines and Technology allowing the school to hang banners from City light posts.
109. No. LF020205-24 Approve the following abatements: B & T Investments, 2004, \$4,693.40; Peggy L. Beardsley, 2004, \$3,046.48; Bethesda Christian, 2004, \$1,028.52; Walter J. Bradsky, 2004, \$1,516.72; Conseco Finance, 2004, \$168.62; Doyle D. Estes, 2004, \$35.10; Fenske Media Corp., 2004, \$976.44; Fenske Media Corp., 2004, \$3,545.58; Printing, Inc., 2004, \$4,452.56; Stephanie L. Steele, 2004, \$700.14; Kevin J. Wipf, 2004, \$208.54.
110. Approve the following licenses: Central Station Service: SNC, Inc., Butch Neel; Electrical Apprentice: Nathan Woods, Nathan Rojas, Tony Beshara, Michael Lannen, Robert Moore, Jeremiah Jurisch, Rick Schaff, Jerred Kerner, Tim Budde, Dustin Emme, Jeff Heumiller, John Bailey, Brian Montieth, Steve Backen, Lee Basco, Casey Bragalla, Gary Brassfield, Andrew Coffey, Keith Coy, Terrence Kafka, Rocky Sheldon, Brian Steffen, Chad Afrank, Dustin Beranek, Michael Blue, Jim Hall, Robin Tuttle, Brandon White, Dale Marti, Otis Dempsey, Edward Ugland, and Rick Salyers; Electrical Class B: William Flockhart; Electrical Contractor & Master: Dale Schubauer, Dale's Electric; Paul Wieser, Paul's Electric; Steve Arne, Arne Electro-Tech; Art Balcom, WDTI; Mark Beshara, Kilowatt Electric; Keith Lengkeek, Delta Electric; Bruce Hill, Black Hills Electric; Scott D Hertel, Koala Electric; Dean Weis, Conrad's Big C Electric; Timothy Baumgartner, Hills Electric; Terry Haskell, H/N Electric; Dean Hartford, Hartford Electric; Darrel Dahl, Electric Limited; John Wright, Wright Electric; David Leinen, Energy Electric Company; and Kevin Morris, TTG Enterprises; Electrical Journeyman: Jeffrey Johnson, Larry Caffee, Max Cook, Leo Schrub, Kenny Frick, Greg Morford, Michael Davis, Gary Alexander, G Robert Bachmeier, Mark Johring, Ricky Lee Rawstern, Clint Zurn, Craig Wiseman, Lucan Paulson, Kent Schweers, Randy Niehoff, Jeffrey Beardt, John Brethauer, Robert Butler Jr., Bryan Fischer, Charles Fleming, Chuck Freeman, Jim Mosher, Wade Juve, Mark Preble, Ronald Richards, Warren Weller, Daniel Anderson, Daniel Cook, Scott Harris, David Hodina, Mike Medley, Jack Wenger Jr., Troy Digmann, Donald Cox, Simon Eaton, Steve Lindgren, James Merritt, Frank Watson, and Wilbert Leuthold Jr.; Electrical Master: Jared Wilhelmi, Kilowatt Electric; Mechanical Apprentice: Robert Draine, William Flockhart, Samuel Ferrazzano, Allen Hammerquist, Nathaniel Huelat, Charles Lefler, Dale Sartorius, Wayne Sartorius, Rodney Witte, Robert Eggers, Cory Fleming, Randy Palmer, Brent Strand, Todd Johnson, Catherine Little, Matthew Little, Eric Bigelow, William Kraitler, Steve Leithauser, Jon Adams, Kenny Hermanson,

and Jeremy Trautner; Mechanical Contractor: Tony Baumstarck, Dakota Heating & A/C; Dave McCarthy, McCarthy Services; Rick Salyers, Dependable Transport; Lee Seaman, L & M Appliance Specialists Inc.; Wesley Scholl, Scholl Plumbing & Heating Inc.; Allen Daly, Geo-Aire Inc.; Wade Shorb, Geo-Aire Inc.; Charles "Buzz" Hammerquist, B & H Heating; Wayne Gutzmer, Gutzmer Mechanical; Steve Prestjohn, Black Hawk Plumbing; Kevin Broom, K & D Appliance Service Inc.; David Strand, K & D Appliance Service Inc.; Stuart Nelson, Black Hills Heating & Cooling; Stanley Little, Star Sheet Metal; Larry L Olson, Olson Plumbing & Heating; William Scoular, Iseman Mobile Homes; Kenneth Ward, Iseman Mobile Homes; Bruce Rasmussen, R W Rice Co.; Richard Anderson, Western SD Community Action; Harold Lund, Western SD Community Action; S R Anderson, Anderson Heating & A/C; and Bill Brown, Central States Mechanical; Mechanical Installer: Ernest Kouba, Loren Palmer, Michele Seaman, Tim Scholl, Troy Finck, Theodore Foskett, Brad Madsen, Robert Witte, Roger Friedrichsen, Dennis Carlton, Josh Eccleston, Don Foulk, Scott DeYoung, Michael Anderson, Bryan Hermanson, Brent Wang, Jason Wold, David McLane, and Jeremy Sloan; Plumbing Contractor: Brian Boock, Boock Plumbing; Plumbing Apprentice: Ryan Harmon; Gas Fitter: Ernie Kouba; Metals and Gems: The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Mobile Home Court: Huntington Park, Tom & Tammy Schreiner; Marquette Mobile Manor, Barker & Little, LPI; Hillsvie Mobile Home Court, Bacon & Sherman LPI; and Deluxe Mobile Home Park, Wilcox & Reid LPI; Pawn Shop: The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Refuse Collection: MK Services, Mark Kostaneski; Residential Contractor: Andrew & Helen Legare, Andrew Legare Construction Co.; Scott Grimsrud, Scott Grimsrud Construction; Russell J & Pamela Rysavy, Modern Builders; Dave Freytag; Randy Long, Long Design & Construction; Peg & Jay Smits, Smits Remodeling; Joseph Schneller, Schneller's Designs; Joyce Sauer, Red Rock Remodeling; Michael Nesland, Michael Nesland Construction; Russell Douglas, Douglas Construction; Chris Johnson, C Michael Homes Inc.; Cody Work, Hill Top Construction Co.; Neil Foust, Foust Construction Inc.; David Hirning, David Hirning Construction; Eugene Britton, Gene's Carpentry & Home Repair; Donnie Kirschenman, Jadon Construction Company Inc.; Bill & Kathleen Timberman, Dakota Castles Inc.; Russell Geranen, Geranen Homes of South Dakota; Bill Freytag, Tyler Knue Homes; William Marchand, Mt. Plains Metal Stud & Drywall; Donovan & Sharon Synstelien, Donovan's Investments LLC; Chad Lewis, Yellow Jersey Construction Inc.; Doug Osborne, Dakota Sunrooms Inc; Rande Robinson, Robco Construction Services; Kevin Fischer, Kevin Fischer Homes Inc; and Wayne Loof, Integrity Homes by Wayne Loof; David Rietveld, Dave Rietveld Construction; John Charlson, Wolf Creek Ent. Inc.; John Diedrichs, Diedrichs Properties LLC; Gerald (Dale) Schuelke, Highmark Inc.; and Marlin White, White Mountain Craftsman; Second Hand: Furniture Mart, Susan R. Sorbel; St. Joe Antiques Mall, Doris M. Epperson; Trebleshooter Guitars & Jazz, Mitchell Kimball; The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Sewer and Water Contractor: Tyrel Stygles - Jul-Mar Development; Jamie Gerlach - All Around Construction; Melvin Geidel - Geidel Construction; Larry Nelson - Nelson Ditching & Excavating; Jerald Mitzel - JV Bailey Co.; Tony Bolton - B&B Excavating; Robert Warax - Warax Excavating; Dennis Turman - Shovelhead Excavating; Charles Beka - Beka Corp.; Robert Powles - Powles & Sons Construction; Royal Nielsen - Nielsen Construction; Charles Davis - Midwestern Ditching; John Long - Iron Horse Excavating, Inc.; Dan Earley - Grizzly Excavating; Daniel Wiczorek - Dan's Ditching; Gale Raymond - RP & H, Inc.; Vince Finkhouse - Eagle Excavating; Sign Contractor: Thomas Farrar, Rosenbaum's Signs; Todd Koehne,

Sign Service & Supply; Michael Boll, Black Hills Tent & Awning; James L Scull Jr., Scull Construction Service Inc.; Doug Rumpca, Lamar Outdoor Advertising; George Menke, Pride Neon Inc.; Robert Monger, Gordon Sign; Andrew Hade, Red Letter Signs; Gene & Roxy Hunter, Sign Express; Mikal Lewis, Signworks; Ron Conrad, Conrad's Big C Signs; Herman Jones, Stagecoach West Signs Inc.; Brendan Casey, Epic Outdoor Advertising LLP; Gary French, French's Upholstery; Jack Venable, ABC Signs & Vinyl Graphics; Craig Stump, Stump Sign Company; Lesley Rutter, Unique Signs Inc.; Mary Lynde, Epcon Sign Company; Willard Weber, Solar Sound Corporation; Tim Peterson, Flat Earth Sign Company; Hank Sponder, Sponder Outdoor Advertising; and Lanny Iwan, Budget Signs; Taxi Business: Airport Express Shuttle, Inc., Kathleen Walla Leui; RC Cab, Inc., Charles W. Jager; Trenching Contractor: Thomas Gagliano - Advanced Electrical, Inc.; Guy Mann - Mann Construction Co.; Kenneth Kainz - Kainz Contractors, Inc.; Frank Watson - Energy Electric, Co.; Floyd Simunek - Evergreen Landscaping; Douglas Brink - Brink Electric Construction; Dale Christiansen - Honey Creek Landscape, Inc.; John Tenquist - Mastec Twin Cities; Jacob Ankele - Iron Horse Excavating, Inc.; Cody Schad -- Schad Construction; Jared Tordsen - Tordsen Backhoe Service; Raymond Crawford - C&L Utility Construction, Inc.; Trenching Journeyman: Lavern Foerster, Brant Mann, Robert Stanfiel, Richard Walter, Derek Weigel.

Growth Management Department Consent Items

111. 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. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 3. Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, any off-site interim detention improvements to be located on the balance of the applicant's property as shown on the Master Plan shall be identified. In addition, the plat shall be revised to show drainage easements as needed; 4. Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. If an interim lift station, shown to be located directly south of the subject property, is to serve the property then a utility easement shall be secured for the Lift Station and subsequent sewer line(s). In addition, in conjunction with the Lift Station the proposed manhole at Topaz and Sandra Lane shall be designed to make possible for the extension of a sewer main for gravity flow into the future Elm Street Sanitary Sewer. The design of this manhole and sewer main shall be coordinated with the design of the future Sandra Lane/Elm Street intersection. The Lift Station shall be eliminated at the time of construction of the Sanitary Sewer within the Elm Street right-of-way. The sewer construction plans shall also show the sanitary sewer for Elm Avenue in the Elm Avenue right-of-way; 5. Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of the Palo Verde Water Zone to serve the subject property; 6. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the

west half of the right-of-way for Parkview Drive located on the adjacent property(s) or the west half of the right-of-way shall be dedicated as a part of a separate platting proposal or a Variance to the Subdivision Regulations shall be obtained to allow platting half of a right-of-way. In addition, the plat document shall be revised to show the dedication of five additional feet of right-of-way for Parkview Drive as it abuts the subject property or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of the Preliminary Plat, the plat document shall be revised to include the eastern 98 feet of the parcel or a Variance to the Subdivision Regulations shall be obtained to allow the property to be subdivided in a manner which omits part of the original tract to avoid street, drainage or other required infrastructure improvements; 8. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the east half of the right-of-way for Elm Avenue located on an adjacent property(s) or the east half of the right-of-way shall be dedicated as a part of a separate platting proposal. Either way, the entire right-of-way for Elm Avenue shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way; 9. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Elm Avenue showing the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Topaz Lane showing the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. If the applicant is proposing to construct a minimum 28 foot wide paved surface within a 49 foot wide right-of-way then the plans shall demonstrate that the additional paved surface does not interfere with the balance of the improvements within the right-of-way and an Exception to the Street Design Criteria Manual shall be obtained; 11. Upon submittal of the Preliminary Plat, road construction plans shall be submitted for review and approval for Sandra Lane and Sapphire Lane showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. If the applicant is proposing to construct a minimum 31 foot wide paved surface within a 52 foot wide right-of-way then the plans shall demonstrate that the additional paved surface does not interfere with the balance of the improvements within the right-of-way and an Exception to the Street Design Criteria Manual shall be obtained; 12. Upon submittal of a Preliminary Plat, road construction plans for the section line highways located along the north lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way; 13. Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 14. Prior to Preliminary Plat approval by the City Council, the applicant shall bring forward a request to the City Council to determine the entity responsible for construction and operation of the proposed sanitary sewer lift station if the station is needed to serve the subject property; 15. Prior to submittal of a Final Plat application, a Variance to the Subdivision

Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 16. Upon submittal of the Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; and, 17. 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.)

112. 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. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for S. D. Highway 44. In particular, the road construction plans shall show the street constructed with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Avery Street. In particular, the road construction plans shall show the street constructed with pavement, curb, gutter, sidewalk, streetlight conduit, water and sewer or a Variance to

the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, road construction plans shall be submitted for review and approval for Covington Street. In particular, the road construction plans shall show the street constructed with sidewalk or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, subdivision improvement plans shall be revised to address redlined comments and submitted for further review and approval. In addition, the redlined drawings shall be returned to the Growth Management staff; 5. Prior to Preliminary Plat approval by the City Council, provide evidence that the necessary Easements for downstream off-site drainage facilities have been recorded at the Register of Deeds office; 6. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 7. Prior to submittal of a Final Plat application, drainage improvements shall be in place. In particular, temporary and permanent stabilization of surfaces to prevent sediment washing into streets and off the property; 8. Upon submittal of a Final Plat application, a Road Maintenance Agreement for the Public Access Easement, Avery Street, shall be submitted for review and approval; 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; and, 10. Upon submittal of a Final Plat application, the plat document shall be revised to show a drainage easement along the north side of Avery Drive and a minimum 50 foot wide access restriction on both sides of Avery Drive, the Public Access Easement, at the corner of Covington Street.)

113. 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. (APPROVE 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 applicant shall obtain approval from the City Council for any oversizing costs of the 14 inch water main, if City payment of the oversize cost is requested; 3. Prior to Preliminary Plat approval by the City Council, the sewer plans shall be revised to show the sewer main located in Indigo Court right-of-way; 4. Prior to Preliminary Plat approval by the City Council, the applicant shall provide documentation demonstrating maintenance for the channel by homeowners or other private entities, or the drainage plans must be revised to incorporate measures to reduce maintenance requirements and facilitate maintenance access to all areas; 5. All Uniform Fire Code shall be continually met; 6. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; and, 7. 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.)

114. No. 04PL208 - A request by Britton Engineering and Land Surveying, Inc. for Jim Meier for a **Preliminary Plat** on Lot A, Lot B and Lot C of Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest corner of Dyess Avenue and Seger Drive intersection. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. Prior to Preliminary Plat approval by the City Council, a Site Plan showing pipe size of water lines, water service lines and sizes and location of valves, capacity of septic tank and size of treatment mound system and dimension from buildings shall be submitted for review and approval. In addition, permanent access easements shall be provided for water lines, curb stops and fire hydrants; 2. Prior to Preliminary Plat approval by the City Council, a plan showing shared approaches into the property and eliminating the access easement on each lot shall be submitted for review and approval; 3. 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 and shall be submitted for review and approval. In addition, the redlined drawings shall be returned to the Growth Management staff; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of the Final Plat application, traffic signs shall be posted as shown on redlines in accordance with the City of Rapid City Standards; 6. Upon submittal of the Final Plat application, the plat document shall be revised to show 17 feet of additional right-of-way being dedicated along Dyess Avenue and Seger Drive and access restrictions shall be shown along Dyess Avenue and Seger Drive; and, 7. 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.)
115. No. 04PL209 - A request by Renner & Associates for Dan Godfrey for a **Layout Plat** on Lots A and B of Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 2 of Godfrey Addition located in the SE1/4 of Section 27, T1N, R7E and in SW1/4 of SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, located southwest of the intersection of Catron Boulevard and U.S. Highway 16. (APPROVE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall provide on-site detention as needed. In addition, the plat document shall be revised to provide drainage easements as necessary; 3. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. If individual on-site wastewater systems are proposed, than an on-site wastewater plan prepared by a Registered Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval; 4. Upon submittal of a Preliminary Plat application because of the close proximity to existing city utilities, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be

obtained. In addition, the applicant shall request in writing oversizing reimbursement from the City; supplemental tap fees shall also be paid as required. If on-site well(s) and/or a community water source are used, data to confirm that the well(s) have sufficient flows and water quality shall be submitted for review and approval. The water plans must also address high and low water pressure looping. In addition, the applicant must submit documentation that the existing community water district concurs with the proposed expansion of use; 5. Upon submittal of a Preliminary Plat application, road construction plans for the driveway easement shall be submitted for review and approval. In particular, the road construction plans shall show the driveway easement located in a minimum 49 foot easement and constructed with curb, gutter, sidewalk, street light conduit, water, sewer and a minimum 24 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway or right-of-way located along the eastern lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway or right-of-way constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway or right-of-way shall be vacated. If the section line highway or right-of-way is vacated, then all of the adjacent property owners shall sign a Petition to Vacate the section line or right-of-way; 7. Upon submittal of the Preliminary Plat, the plat document shall be revised to show the dedication of the west half of the section line highway or right-of-way located on the adjacent property(s) or the west half of the section line highway or right-of-way shall be dedicated as part of a separate platting proposal. Either way, the entire section line highway or right-of-way shall be dedicated at the same time or a Variance to the Subdivision Regulations shall be obtained to allow platting half a right-of-way. 8. Upon submittal of a Preliminary Plat application, construction plans providing for a north-south collector road to be located through a portion of Lot B of Lot 2 shall be submitted for review and approval or an amendment to the Major Street Plan shall be approved eliminating and/or relocating the collector road; 9. Upon submittal of a Preliminary Plat application, construction plans for US Highway 16 frontage road shall be submitted for review and approval. In particular, the frontage road construction plans shall show the frontage road constructed within a minimum 100 foot right-of-way and constructed with curb, gutter, sidewalk, street light conduit, water, sewer and a minimum 40 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat application, construction plans for a permanent turnaround at the end of the driveway easement shall be submitted for review and approval or a Special Exception to waive the requirement shall be approved; 11. Upon submittal of a Preliminary Plat application, geotechnical analysis for the pavement design shall be submitted for review and approval; 12. Prior to Preliminary Plan 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 Services Center; 13. Upon submittal of a Preliminary Plat, a utility master plan shall be submitted for review and approval. In particular, the utility master plan shall provide for the extension of private utilities through the subject property as well as to adjacent properties; 14. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 15. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and waterlines, including the size of the

proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 16. Upon submittal of a Preliminary Plat application, the title block shall be revised to indicate "formerly Lot 2 of Godfrey Addition"; 17. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits. In addition, the property shall be Rezoned from No Use District to General Commercial with a Planned Commercial Development overlay, Medium Density Residential with a Planned Residential Development overlay and Planned Residential Development with a maximum of 4 dwelling units per acre; 18. Prior to submittal of a Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement along Haines Avenue or a Variance to the Subdivision Regulations shall be obtained; and 19. 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.)

Raffles

116. Acknowledge American Heart Association raffle of diamond jewelry, February 12, 2005 during Rapid City Heart Ball at Ramkota Hotel

END OF CONSENT CALENDAR

The Mayor presented No. PW011105-11, approve Freeland Meadows location for Mall Ridge Lift Station, with understanding developer will pay entire cost of lift station; and Rapid City will not be responsible for timeframe of the project. Public Works Director Jablonski reported the condition of an existing lift station serving the Mall Ridge area; reported the lift station needs to be refurbished and upgraded to increase the capacity. He reported the desire of a developer in the Brookfield area to be served by the lift station. To serve this additional area, he suggested a new lift station be built at the West Nike Road site rather than refurbishing the existing lift station. A consultant hired to study the area and lift station recommended two sites – Brookfield site and the West Nike site. Upon completion of the study, a proposal by the Freeland Meadows developer was presented to the City. The request of this developer was to move the new lift station further east, and the options were the LaCrosse Street site and another site indicated on the projected overhead. Jablonski explained the Freeland site will serve entire area. He noted that regardless of where the lift station is located, there is a constriction as to how many new units can be added to the lift station service area. That constriction has to do with a gravity sewer, as it is designed to handle 750 gallons per minute. With the addition of the lift station and existing gravity flows and current flow that is going into the lift station, the pipe does not have the capacity to serve the entire area. Jablonski pointed out a decision has to be made, and once the decision has been made on where the lift station goes, the next decision is who gets service. And, the next decision to be made is a hook-up fee and whether existing users must pay the fee. Jablonski reported the developer of the Freeland Meadows has indicated their preference is the LaCrosse Street site and they would be willing to pay a hook-up fee and pay the difference in the cost between the West Nike Road site and the LaCrosse Street site. He suggested this raised additional questions about what the other developers will pay; and how much money does the City care to invest in a new lift station. He also reported that the developer indicated that if the LaCrosse Street site is constructed, they will upfront the cost if a Tax Increment District is established. Jablonski outlined four options to provide service to the area: refurbish the existing lift station at a probable cost of \$732,000; construct a West Nike lift station at a probable cost of \$960,000; construct a LaCrosse Street lift station at a probable cost of \$1.4 Million; construct a Freeland Meadows lift station at a probable cost of \$2 Million. Jablonski also

presented a fifth option, that being the installation of a gravity interceptor sewer from the West Nike Road, east to the lift station at the Visitor Information Center. He suggested this would be the recommended option, if money were no object. This gravity interceptor sewer would eliminate the need for lift stations, and would address the bottleneck of 750 gallons per minute. Jablonski pointed out that regardless of where a lift station is located it can only serve so much area. He outlined the probable cost of the trunk sewer line (gravity interceptor sewer) as \$3.9 Million, which does not include property acquisition or engineering costs. Alderman Johnson commented that development should pay for development. French moved, second by Hurlbut to refer this issue to a Special Council meeting to be held on Thursday at 5:30 P.M. Substitute motion was made by Kroeger, second by Kooiker to set a Special Council meeting on February 16, 2005 at 7:00 P.M. Alderman Johnson indicated that his interest is in the project costs and hook-up fees, and suggested looking at bonding for the project. Upon a vote on the motion to refer to a Special Council meeting, motion carried.

PUBLIC HEARINGS

The Mayor presented No. 04FV012, a request by Dennis Rogers for a **Fence Height Exception to allow a seven foot six inch fence in a Low Density Residential District** on Lot 13, Block 16, South Robbinsdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 801 East Indiana Street. Olson moved, second by Kroeger and carried to Deny without prejudice.

Olson moved, second by Waugh and carried to Authorize the Mayor and Finance Officer to Sign a waiver of right to protest a future assessment for the installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the subject property 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. (04SV075)

The Mayor presented 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**. Olson moved, second by Waugh and carried to to Table.

The Mayor presented No. 04SV075, a request by Sperlich Consulting, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install 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. Olson moved, second by Waugh and carried to approve the Variance with the following stipulation: Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, and sidewalk along South Dakota Highway 44 as it abuts the subject property.

Olson moved, second by Waugh 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, streetlight conduit, water and sewer on Dyess Avenue and to waive the requirement to install curb, gutter, sidewalk and streetlight conduit and sewer on Seger Drive as they abut the property on Lot A, Lot B and Lot C of Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest corner of Dyess Avenue and Seger Drive intersection. (04SV078)

The Mayor presented No. 04SV078, a request by Britton Engineering and Land Surveying, Inc. for Jim Meier for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A, Lot B and Lot C of Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Lot C of Golden Eagle Subdivision, Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest corner of Dyess Avenue and Seger Drive intersection. Olson moved, second by Waugh and carried to approve the Variance with the following stipulation: Prior to approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, streetlight conduit, water and sewer on Dyess Avenue and to waive the requirement to install curb, gutter, sidewalk, streetlight conduit and sewer on Seger Drive as they abut the subject property.

The Mayor presented No. 04TI016, a request by Bill Freytag for a **Tax Increment District #51 - Project Plan** on Lots 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. Olson moved, second by Waugh to approve Tax Increment District #51 – Project Plan. Motion carried with Alderman Kroeger abstaining from the vote.

At 10:10 P.M. Council recessed; and reconvened with all members present at 10:25 P.M.

ORDINANCES & RESOLUTIONS

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 having passed first reading on January 17, 2005; it was moved by Chapman, second by Kroeger that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5016 was declared duly passed upon its second reading.

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 having passed first reading on January 17, 2005; it was moved by Johnson, second by Murphy that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon

the Mayor declared the motion passed and Ordinance 5017 was declared duly passed upon its second reading.

Ordinance No. 5018 (No. LF011205-09), Regarding Supplemental Appropriation No. 1 for 2005 having passed first reading on January 17, 2005; it was moved by French, second by Waugh that the title be read the second time. The following voted AYE: Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5018 was declared duly passed upon its second reading.

The Mayor presented the Public Works Committee recommendation to adopt Option B relating to the designation for the added sales tax revenue; and request the City Attorney to prepare an ordinance amendment dedicating the additional revenue to the Sewer Enterprise Fund for infrastructure; whereupon French moved, second by Kooiker to approve. Alderman Johnson pointed out the recommendation from the Legal & Finance Committee is the exact opposite of the recommendation from the Public Works Committee. City Attorney Green advised that the ordinance amendment that the City Attorney's Office would prepare would amend a different section of the code. The Council could approve the recommendation and the following ordinance, and not be in conflict. Olson indicated she would not support the motion on the floor and indicated there are other ways of specifying how the City wants to use the funds that are derived from the increase in the sales tax. Responding to a question from Mayor Shaw, City Attorney Green explained that Ordinance 5019 alternates the rate of sales tax as proposed by the City. The ordinance must be effective prior to March 31, if the City wants the State to begin collecting the added tax by July 1st. How the City allocates the funds that are generated through this tax, would be addressed separately as the State has no interest in how the City allocates the funds. Substitute motion made by Hurlbut, second by Johnson to continue to the February 16, 2005 Legal & Finance Committee meeting. Alderman Kooiker suggested the continuance of drafting an ordinance sends a message to the public that the Council is not interested in having an ordinance that specifies how the money will be used. He suggested that Resolutions are often not worth the paper they are printed on, because they can be overturned without public notification. Alderman Hurlbut clarified his position, indicating a need for an ordinance. Alderman Johnson indicated he did not support an ordinance; explained it takes a majority to change a resolution; and reminded the Council of his commitment to place \$4 Million in the fund to offset the sewer rate. Upon a roll call vote, the substitute motion carried with the following voting AYE: Chapman, Murphy, Kroeger, Johnson, Olson, Hurlbut, and Waugh; NO: French and Kooiker.

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 having passed first reading on January 17, 2005; it was moved by Waugh, second by Hurlbut that the title be read the second time. Alderman French remarked on the amount of money generated by the increase in the sales tax, and the need to bale out the sewer enterprise fund; but could not support taxing food to pay for growth. Alderman Hurlbut sympathized with the concern expressed about taxing food, but pointed out that visitors pay a portion of the growth by paying the tax. Alderman Johnson pointed out the increase in the sewer rate exceeds the added tax on food. Upon a vote being taken on the motion to approve, the following voted AYE: Chapman, Murphy, Kroeger, Johnson, Olson, Hurlbut, and Waugh; French and Kooiker; whereupon the Mayor declared the motion passed and Ordinance 5019 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 04RZ065, second reading of **Ordinance No. 5022**, 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. Notice of hearing was published in the Rapid City Journal on January 22, 2005 and January 29, 2005. Ordinance 5022, having had the first reading on January 17, 2005, it was moved by Waugh, second by Murphy that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Johnson, Olson, Kooiker, Hurlbut, and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 5022 the second time.

Ordinance No. 5024 (No. 05RZ001), a request by FMG Engineering for Belgarde Enterprises to consider an application for a **Rezoning from General Agriculture District to Medium Density Residential District** on that part of the E1/2 of the SW1/4 of Section 22, T1N, R7E, of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, that lies within the following description: Commencing at a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22; thence S00°12'36"E, 152.63 feet to a point; thence West, 726.50 feet to a point; thence N64°41'13"W, 267.41 feet to a point; said point being the intersection with a non-tangent curve, the radius point of said curve bears S53°20'07"W, 226.00 feet from said intersection, said curve having a central angle of 16°17'27"; thence Northwesterly, 64.26 feet along arc of said curve, said curve having a chord bearing of N44°48'37"W, and chord distance of 64.04 feet, to a point of tangency; thence N52°57'20"W, 189.40 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 52°57'20" and radius of 174.00 feet; thence Northwesterly and Northerly, 160.82 feet along arc of said curve, said curve having a chord bearing of N26°28'40"W, and a chord distance of 155.16 feet, to a point of tangency; thence North, 187.01 feet to a point; said point being the intersection with a non-tangent curve, the point of said curve bears N04°15'00"W, 92.00 feet from said intersection, said curve having a central angle of 35°45'00"; thence Easterly and Northeasterly, 57.40 feet along arc of said curve, said curve having a chord bearing of N67°52'30"E, and a chord distance of 56.48 feet, to a point of tangency; thence N50°00'00"E, 64.59 feet to a point; said point being the point of curvature of a curve to the right having a central angle of 10°02'46" and radius of 208.00 feet; thence Northeasterly, 36.47 feet along arc of said curve, said curve having a chord bearing of N55°01'23"E, and a chord distance of 36.42 feet, to a point; thence North, 173.49 feet to a point; thence East, 550.47 to a point; thence N26°24'26"E, 82.06 feet to a point on the south Right-Of-Way line of Catron Boulevard; thence S63°35'34"E, 317.69 feet along the south Right-Of-Way line of Catron Boulevard to a 5/8" rebar; said rebar being the intersection with a non-tangent curve, the radius point of said curve bears S26°24'37"W, 2230.97 feet from said intersection, said curve having a central angle of 6°46'27"; thence Southeasterly, 263.77 feet along arc of said curve, said curve having a chord bearing of S60°12'09"E, and a chord distance of 263.62 feet, to a 5/8" rebar with survey cap marked "FMG Inc. LS SD 6119", said rebar being on the south Right-Of-Way line of Catron Boulevard; thence S00°08'29"E, 505.50 feet to a rebar with survey cap marked "1019" at the Center-South-South 1/64 corner of Section 22 at the point of beginning; all located within the E1/2 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southeast of

the intersection of Catron Boulevard and Nugget Gulch Road. Upon motion made by Waugh, second by Hurlbut and carried, Ordinance 5024 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, February 21, 2005.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Waugh to continue the Mallow Street Utility Extension Agreement with Robert Pesek to the February 21, 2005 Council meeting.

No. PW020105-11, authorize staff to advertise for bids for Water Reclamation Facility Paving and Sidewalk Project No. WRF04-1407, CIP #50578 was deleted from the agenda.

Olson moved, second by Hurlbut and carried to (No. PW020105-12) authorize staff to advertise for bids for 2005 Mill and Overlay, Various Locations, Project No. ST04-1431.

Olson moved, second by Hurlbut to refer Consideration of Draft Water Master Plan to the February 15, 2005 Public Works Committee meeting. Substitute motion was made by Hurlbut, second by Kooiker to refer the draft Water Master Plan with a request to include a Sewer Master Plan at the February 15, 2005 Public Works Committee meeting. Motion carried.

Olson moved, second by Johnson to (No. PW020105-14) authorize Mayor and Finance Officer to sign agreement with Ferber Engineering Company for Preliminary Design Report on recommendations for water and sewer alignments for Deadwood Avenue North Utility Project No. SSW02-1258 for an amount not to exceed \$15,305. Assistant Public Works Director Vore clarified that the original contract was to provide for the study and design report of water and sewer for the realignment of Lange Road. The final design included Tatanka Drive and Harley Drive. Amendment No. 2 included the final design on the area on the south-side of the interstate, across the interstate and up Tatanka Drive and Harley Drive. In addition, there was an expanded study area to include all of the area indicated in the projected overhead. Amendment No. 3 included another area east to Haines Avenue to north to the Meade County border. Upon a vote being taken on the motion, motion carried.

Olson moved, second by Waugh to approve No. PW020105-15, Parkview Drive Extension Project No. ST01-1006 revised assessment roll. Upon Alderman Chapman questioning whether TIF monies were included in the revised assessment; Kooiker moved, second by Johnson and carried to refer this item after the Executive Session.

Olson moved, second by Hurlbut and carried to refer authorization to staff to enter into easement negotiations with property owners adjacent to West Nike Road #1 to secure utility easement for Mall Ridge Lift Station Improvements Project No. SS03-1255; and authorize staff to proceed with final design of the project with a project construction completion of December 30, 2005; contingent upon securing easement by March 1, 2005 to the February 16, 2005 Special Council meeting.

They Mayor presented No. 04SE006, deny a request for an Exception to the Street Design Criteria Manual to allow 178 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual from petitioner Sperlich Consulting, Inc. for Paul Reinke on Lots 18 thru 20 of Copper Oaks No. 2, Lots 11 thru 13 Block 2, Lots 8 thru 12 of

Block 3, Lots 1 thru 5 of Block 4, Lots 1 thru 8 of Block 5 and Lot A of Copper Oaks No. 3 Subdivision located in the NE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted balance of the N1/2NE1/4 less Right-of-way, unplatted balance of the SE1/4NE1/4, SW1/4NE1/4 less the south 23 feet of the east 240 feet of the west 593 feet the of SW1/4NE1/4, less Copper Oaks all located in Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located along Wild Turkey Way and Quartz Canyon Lane. Murphy moved second by Waugh to deny a request for an Exception to the Street Design Criteria Manual. Responding to Alderman Kooiker, Doug Sperlich representing the petitioner indicated that if the Council grants the exception and they proceed with the Preliminary Plat, they will provide an emergency access; but at this point in time, there will never be a secondary access into the subdivision. He reiterated that they are proposing to reduce the request for 24 lots to 13 lots. He reminded the Council these lots were approved by the County in 1995 as a Preliminary Plat. He asked the Council to honor that approval from the County and allow the developer to complete the project. Responding to a question from Alderman Kooiker, Sperlich explained there are no more than 178 units. The units they are proposing to drop are located in another subdivision. Fire Chief Shepherd expressed concern with the one-way in and one-way out for developments. Traffic will be tied up during fire events, fire hoses are run-over by the traffic, and visibility can be limited during fire events. Wayne Bunke, Chief of the Volunteer Fire Department addressed the Council commenting he favored the alternative access. He indicated he believed the petitioner has developed this area in a responsible manner. Keith Whites, Wilderness Canyon Road addressed the Council with concern over the secondary emergency access. He suggested the proposal to reduce the number of units does not address a permanent access. He asked the Council to deny the request for an exception. Mary Yelick, Wilderness Canyon Road addressed the Council reiterating her concern about narrow roads and traffic safety, emergency access, and safety for children who walk along Wilderness Canyon Road when returning home from school. The increase in residents increases the concern over traffic issues. Rod Schlaugger, Wilderness Canyon Road commented that the infrastructure is overtaxed, the roads are not wide enough, and the water system goes down from time to time. He pointed out there is an easement by necessity, or easement by implication. If there is a fire in Copper Oaks, they have the right to traverse across someone's property to a fire. He suggested the developer needs to allow a permanent access. Responding to questions from Alderman Johnson, Growth Management Director Elkins explained that an additional exception would need to be obtained before any further platting can occur. But there is no absolute guarantee this would come back to the governing body. A full access road, complying with City standards is required without curb and gutter. Responding to question from Alderman Waugh, Elkins indicated 154 dwelling units with thirteen units to be added will access Wilderness Canyon Road. She indicated the emergency access will be gated. Rod Schlaugger emphatically stressed the roads are not adequate to handle additional traffic or emergency vehicles. Upon a roll call vote to deny, motion carried with the following voting AYE: Chapman, Murphy, French, Kroeger, Kooiker, Hurlbut and Waugh; NO: Johnson and Olson.

Growth Management Director Elkins brought forward a request from the Red Rock Meadows developer to accept the Red Rock Meadows lift station as a City of Rapid City lift station for City ownership and maintenance. She reminded the Council there was a lift station included in the original Tax Increment District that was approved for the Red Rock Meadows development. The cost of the lift station would be upfronted by the developer and be reimbursed by the Tax Increment District. She explained that in conversation with the Public Works Director, they have indicated the City would like to proceed, but that such approval is conditioned on the right to

review and approve the plans prior to construction; and review the construction prior to acceptance of the facility. Kroeger moved, second by Waugh to approve and accept the Red Rock Meadows lift station, contingent upon the Public Works Department reviewing the plans of the lift station. Responding to a question from Alderman Kooiker, Elkins explained that there is an option for the City to require that the lift station be a private facility and maintained by the landowners. But, it has always been the plan since the TIF was proposed, the expectation that this would be a City facility. Johnson suggested this acceptance be in writing. Substitute motion was made by Johnson to direct staff to enter into negotiations of an agreement with Red Rock Meadows to take ownership of a lift station, and bring the agreement forward for Council action. Second by Kroeger. Elkins made the Council aware that there is a Tax Increment District developer's agreement. She pointed out the developers are seeking approval of the preliminary plat so that they may proceed. Alderman Kooiker offered a friendly amendment to bring the agreement forward at the February 16, 2005 Special Council meeting. Amendment was accepted by the motion maker. Upon a vote on the substitute motion, motion carried.

The Mayor presented 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 Red Rock Meadows Subdivision, 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 SW1/4 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. Johnson moves, second by Waugh and carried to approve the Preliminary Plat with the following stipulations with the exception of the following described property: A parcel of land located in SW1/4 NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: beginning at the found Section Corner of the NW1/4 Section 28, the NE1/4 Section 29, the SE1/4 Section 20, and the SW1/4 Section 21 thence S00 ° 19'45"E along said section line 1356.04 feet to the true Point of Beginning; thence S78 ° 03'46"E 146.65 feet; thence S59 ° 34'01"E 100.00 feet; thence S54 ° 15'03"E 100.43 feet; thence S50 ° 49'16"E 125.78 feet; along a curve to the left through a central angle of 39 ° 10'10" 538.70 feet along said curve; thence S00 ° 00'34"W 532.73 feet; thence S45 ° 00'34"W 14.14 feet; thence N89 ° 59'46"W 155.21 feet; along a curve to the left having a radius of 70.00 feet through a central angle of 98 ° 12'14" 119.98 feet along said curve; thence N00 ° 00'34"E 125.24 feet; thence N89 ° 59'26"W 120.77 feet; thence N00 ° 19'45"W 141.88 feet; thence N06 ° 49'02"E 246.86 feet; thence N00 ° 19'45"W 727.71 feet; thence N87 ° 58'25"E 135.06 feet; to the Point of Beginning; containing 11.09 acres more or less: 1. Prior to Preliminary Plat approval by the City Council, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 2. 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; 3. Prior to Preliminary Plat approval by the City Council, construction plans for the east-west collector street from Muirfield Drive to Dunsmore Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the intersection of Muirfield Drive and the east-west collector street shall be reconstructed to realign creating a tee intersection configuration, with continuity between the east-west collector

street and the northward extension of Muirfield Drive. The reconstruction of the intersection shall be at the sole expense of the applicant as per a stipulation of approval for Phase One of the Red Rock Estates Subdivision; 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of a minimum 66 foot wide right-of-way for Dunsmore Road as it extends south from Oakmont Road to Sheridan Lake Road or the right-of-way shall be dedicated as a part of a separate platting proposal or a Variance to the Subdivision Regulations shall be obtained. In addition, the certificate of title ownership on the plat document shall be revised to include "Christopher D. Hamm" and "Leo Hamm Family"; 5. The Exception request to allow 91 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual is hereby denied; 6. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a second point of access to the proposed development or a maximum of 40 lots shall be allowed; 7. Prior to Preliminary Plat approval by the City Council, design criteria for the proposed round-about intersection shall be submitted for review and approval; 8. Prior to Preliminary Plat approval by the City Council, access shall be provided to proposed Lot 1, Block 5. If the lot is proposed as a "sign lot", then the plat document shall be revised to label the lot accordingly and the applicant shall provide documentation demonstrating maintenance of the lot; 9. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide access to the balance of the north-south section line highway which is not being vacated via this plat; 10. Prior to Preliminary Plat approval by the City Council, written documentation shall be provided identifying that all of the affected utility companies concur with the proposed vacation of section line highway; 11. Prior to Preliminary Plat approval by the City Council, the Master Utility Plan shall be revised to include private utilities; 12. Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 13. Prior to Preliminary Plat approval by the City Council, the applicant shall submit revised construction plans providing turning lanes and stacking lanes as needed at the Sheridan Lake Road and Dunsmore Road intersection; 14. Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval demonstrating that run-off from the property shall not be discharged at rates that exceed the pre-developed flow rates or the applicant shall demonstrate that downstream facilities are adequate to transport increased flows and that the legal right to discharge the increased flows over adjacent and downstream properties exists or has been granted; 15. Prior to Preliminary Plat approval by the City Council approval, the entity responsible for operation of the proposed sanitary sewer lift station shall be identified. If a private entity or sanitary district is proposed to operate the facilities, construction plans for the facilities shall be submitted to the City for review and approval. If operation of the facilities by the City of Rapid City is proposed, the applicant shall obtain authorization from the City Council to proceed with the design and construction under the supervision of the Public Works Department; 16. Prior to the construction of a utility sub-station, a community well or a lift station, a Conditional Use Permit and/or a SDCL 11-6-19 Review shall be obtained depending upon ownership of the property and/or improvement; 17. All Uniform Fire Code shall be continually met; 18. Upon submittal of a Final Plat application, the applicant shall provide documentation demonstrating maintenance of the drainage lot; 19. Prior to submittal of a Final Plat application, the applicant shall submit different street names for Porthcawl Court, Valderamma Lane, Enniscrone Court, Scotsgrraig Court, Sunningdale Drive, Stone Haven Lane, Oakmont Road, Woodcrest Court, Wentworth Court and Connemara Court to Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 20. Prior to submittal of a Final Plat application, the plat title shall be revised eliminating "Phase One". In addition, the plat document shall be revised to clearly delineate the proposed "Blocks"; and 21. 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.

FINANCE OFFICER'S ITEMS

Johnson moved, second by Hurlbut to approve Rapid City Regional Airport declaring property surplus – Tapley Runway Friction Meter for the purpose of resale. Alderman Kooiker indicated there was no link to this item, nor had it gone through committee. Substitute motion was made Kooiker to refer this item to the Legal & Finance Committee. The Chair ruled the substitute motion died for lack of a second. Upon a vote on the motion to approve, motion carried.

APPROVAL OF BILLS

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

Payroll Paid Ending 01-22-05, Paid 01-28-05	682,170.81
Payroll Paid Ending 01-31-05, Paid 01-31-05	1,048,973.67
Payroll Paid Ending 01-22-05, Paid 01-28-05	1,660.80
Pioneer Bank, Taxes Paid 01-28-05	164,539.34
Pioneer Bank, Taxes Paid 01-31-05	257,030.84
Pioneer Bank, Taxes Paid 01-28-05	118.91
Berkley Risk Administrators, January claims	25,893.19
First Administrators, claims paid 1-19-05	58,969.79
First Administrators, claims paid 1-26-05	87,746.00
First Administrators, claims paid 2-02-05	55,340.36
Wells Fargo Brokerage Svcs, Ambulance lease payment	208,328.16
Wells Fargo Brokerage Svcs, Trk/Container lease payment	223,469.30
Montana Dakota Utilities, gas	19,311.44
West River Electric Association, electricity	13,762.81
Pennington County Auditor, PSB constr parking	103,415.99
SD Dept of Labor-Unemployment Ins, 4 th Qtr benefit chrgs	15,899.27
SD Retirement Sys-Special Pay Plan, fee-Curry	108.87
United States Postmaster, postage	2,400.00
Computer Bill List	<u>2,847,857.25</u>
Subtotal	\$5,816,996.80
Payroll Paid Ending 01-22-05, Paid 01-28-05	2,762.40
Pioneer Bank, Taxes paid 01-28-05	211.32
City of Rapid City, postage	7.10
City of Rapid City, petty cash	22.00
Dakota Business Center, copier maintenance	7.22
Marlin Leasing, copier lease	2.81
Karen Spalding, staff mileage	14.88
Angie Weeks, staff mileage	<u>55.68</u>
Subtotal	\$5,820,080.21
Mainline Contracting, Heidiway Lane Sewer Project CCO #01	286.40

R. C. S. Construction, Schamber Addition CCO #04F	882.08
Adams Machinery, Baler rpr	78,819.57
Pennington County Clerk of Courts, Skyview South Detention	12,097.61
Pennington County Clerk of Courts, Skyview South Detention	5,649.51
Total	\$5,917,815.38

CITY ATTORNEY’S ITEMS

Assistant City Attorney Joel approached the Council asking direction on negotiating a lease with Western Wireless on City property adjacent to the Meadowbrook Golf Course. He explained the intent is to erect a tower in this location and plans have been submitted; and the City Attorney’s Office is in receipt of an agreement for review. He reported questions have arisen on whether this property is designated as Parkland; and explained that research has not resolved the question. Alderman Olson expressed interest in notifying adjoining property owners of the proposed tower. Growth Management Director Elkins reported a pending rezoning and an 11619 application that is going through the process on the proposed location. The request is to take it from Flood Hazard District to Public Zoning District. Kroeger moved, second by Murphy to permit staff to enter into negotiations and return a recommendation to the Council. Motion carried.

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

The Council reconvened at 12:15 A. M. with all members present.

Waugh moved, second by Olson and carried to approve No. PW020105-15, Parkview Drive Extension Project No. ST01-1006 revised assessment roll.

Johnson moved, second by Chapman and carried 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 21, 2005 Council meeting.

Kooiker moved, second by Olson and carried to continue No. PW110904-05, Change Order No. 1F for Lange Road Sanitary Sewer Project Number SS03-1253 to Heavy Constructors, Inc. for an increase of \$14,378.15 to the February 21, 2005 Council meeting.

As there was no further business to come before the Council at this time, the meeting adjourned at 12:17 A. M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)