

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

October 18, 2004

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, October 18, 2004 at 7:00 P.M.

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

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

APPROVE MINUTES

French moved, seconded by Chapman and carried to approve the minutes of October 4, 2004.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- Consider Agenda Item Nos. 4, 5 and 6 under Awards and Recognitions
- 2012 Committee Appointments, Mayor
- Sewer hookup, Joe's Place, 4302 South Hwy 79
- Alderman Hadley comments
- Executive Session to discuss pending litigation, contractual and personnel matters
- Consider Agenda Item No. 89 after Executive Session

Hadley moved, seconded by French and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

No. CC101804-01 Mayor Shaw recognized Library Board President Roy Burr as **South Dakota Library Association's Trustee of the Year** and commended Roy for his leadership, work, and community relations for the betterment of library services in Rapid City.

Mayor Shaw acknowledged the **Citizens of the Month** as Ryan Cuny and Tom Beetem and commended Ryan and Tom in their efforts to aid an injured child.

Mayor Shaw presented the **Veteran of the Month** award to Bobbi Jean Jarvinen and recognized her efforts and dedication to the service of her country.

GENERAL PUBLIC COMMENT

Bob DeMersseman reported on the activities of the **Economic Development Office** highlighting the activities of the Western Research Alliance. He reported they had met with the State Economic Development Office staff to outline and begin work on a marketing program that will include activities and resources from the State, as well as the Black Hills Business Council. He explained they had taken the initiative to develop an Inventors Congress for western South Dakota and the Black Hills area that will mentor local inventors.

ITEMS FROM THE MAYOR

No. CC101804-02 Library Director Chapman presented the **Strategic Plan for the Rapid City Public Library for 2005 to 2010** and explained the plan's three goals: maintain the library as a community gathering place for all ages; continue to develop intuitive, mobile, and user-friendly library services for all

ages; and increase public awareness of existing and evolving services. Johnson moved, seconded by Kooiker and carried to acknowledge receipt of the Strategic Plan for the Rapid City Public Library for 2005 to 2010.

Mayor Shaw recognized former Ward 5 Alderman Jeff Partridge, who presented the list of proposed **2012 Committee appointments**. He explained the Municipal Infrastructure Committee, Civic Improvements Committee and Economic Development Committee constitute the 2012 Committee and each Committee will have nine members and two alternates. He expressed his appreciation to Council members for their assistance in the selection process. The following are the appointments to the 2012 Committee:

Municipal Infrastructure Committee

John Brewer, 3823 Ridgemoor Drive	Ward 3
Dan Britton, 4515 Steeler Lane	Ward 4
Garry Denker, 101 St. Charles	Ward 2
Steve Flanery, 3024 Palmer Drive	Ward 3
Deb Hadcock, 1203 Silverleaf	Ward 2
Laurie Litzen, 6632 Maidstone Court	Ward 3
Todd Ossenfort, 4133 Augusta Drive	Ward 1
Mely Rahn, 1207 11 th Street	Ward 5
Shelly Schock, 4025 Windslow Place	Ward 1

Alternate #1

Jennifer Leberknight, 4125 Westview Estates	Ward 3
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Alternate #2

Robert Hengen, 4071 Valley West Drive	Ward 5
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Civic Improvements Committee

Ruth Brennan, 1121 St. Charles	Ward 5
Bruce Eaton, 5132 Ridgeview Road	Ward 1
Ida Marie Fast Wolf, 1127 Blaine	Ward 4
Eileen Fleishacker, 2522 Chancery Lane	Ward 3
John Haeder, 411 S. Berry Pine Road	Ward 5
Tim Henderson, 521 Fox Run Court	Ward 1
Patricia Mahon, 3758 Jolly Lane	Ward 1
Dennis Popp, 4737 Summerset Drive	Ward 3
Jack Sitch, 1702 E. Hwy 44, Lot 166	Ward 2

Alternate #1

Trevor R. Bryan, 804 South Street, #4	Ward 2
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Alternate #2

Julie Smoragiewicz, 809 12 th Street	Ward 5
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Economic Development Committee

Guy Gregory, 4021 Elm, Apt. 201	Ward 1
J. Bob Knecht, 3988 Fairway Hills	Ward 3
Jennifer Landguth, 4248 Westview Estates	Ward 3
John Loftberg 4110 Derby Lane	Ward 1
John Pierce, 561 Enchantment Road	Ward 1
Linda Rabe, 5401 Pinedale Heights	Ward 5
Val Simpson, 3625 Canyon Drive	Ward 3
Dexter Wittman, 1425 Burns Drive	Ward 5
John Wollwerth, 1805 5 th Street	Ward 2

Alternate #1

Susan Lowder, 757 E. Anamosa #207	Ward 4
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Alternate #2

Paul Stabile, 4802 Powderhorn	Ward 3
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French moved, seconded by Chapman and carried to acknowledge the appointments of the 2012 Committee.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Kroeger suggested this was the time to determine the **process to replace the Ward Five Council member**. Alderman Chapman recommended a Public Service Announcement be published, soliciting interested candidates to complete and submit an application to the Mayor's Office no later than October 29, 2004. On Monday, November 1, 2004 the Council will formally interview the candidates, and a time limit will be established for each applicant to address the Council. On a selected date the Council will formally approve the successful candidate to fill the Ward 5 Council seat. Kooiker moved, seconded by Kroeger to approve the process as outlined and set the date for formal action on November 15, 2004. Discussion followed. Friendly amendment was offered by Johnson to swear in the new Ward 5 Alderman at the end of the November 15, 2004 Council meeting. Upon a vote being taken on the amendment, amendment carried. Upon a vote being taken on the motion as amended, motion carried.

Kooiker moved, seconded by French (No. CC101804-03) to request the Public Works Department to bring forward an update on the Pavement Management System and Traffic signal priority list. Motion carried.

Alderman Johnson presented a request for a Sewer hookup for Joe's Place located at 4302 South Hwy 79. He explained that Joe Crawford needed to pave the parking lot, but wanted the ability to hookup to the extended sewer service at Hwy 79. Crawford would pay the tap fee at a later date when the tap fee is determined. French moved, seconded by Johnson to approve the request for a sewer hookup for Joe's Place located at 4302 South Hwy 79; and address at the Public Works Committee with the note that Joe Crawford will make restitution when the tap fee is determined. Discussion followed. Friendly amendment was offered by Johnson to request the City Attorney's Office to prepare an agreement between the City of Rapid City and Joe Crawford relative to the payment of the tap fee. Upon a vote being taken on the amendment, amendment carried. Upon a vote being taken on the motion as amended, motion carried.

Alderman Hadley expressed his appreciation and the gratitude of the Robbinsdale PTA to Officers Cassen and O'Reilly for their volunteered assistance in a pumpkin judging contest.

CONTINUED ITEMS CONSENT CALENDAR – Items 9-27

Hadley moved, seconded by Chapman and carried to continue the following items as indicated.

Continue the following items until November 1, 2004:

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. 03PL052 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.
11. 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.

12. No. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
13. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
14. 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.
15. No. 04PL060 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4 , Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the future intersection to Elm Avenue and Field View Drive.
16. No. 04PL122 - A request by CETEC Engineering Services for Park Hill Development for a **Preliminary Plat** on Lots 8, 9, 10 and 11 of Block 3; and Lots 5, 6, 7, and 8 of Block 4; and dedicated right-of-way of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the NE1/4 SE1/4 less the west 650 feet of the east 700 feet of the south 372.5 feet, Section 7, T1N, R7E, BHM; and a portion of Lots 1, 2, and 3R of Block 4 of Park Meadows Subdivision, Section 7, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Oakland Street.
17. No. 04PL129 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 15-17 of Block 1, Lots 7-19 of Block 2, and Lots 2-6 of Block 3, Kennsington Heights Subdivision, located in the SW1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of Government Lot 4 located in Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Elm Avenue and Field View Drive.
18. No. 04PL130 - A request by Sperlich Consulting for a **Preliminary Plat** on Lots 6 thru 8 of Block 18, and Lots 12 thru 13 of Block 19, Trailwood Village, located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the extension of Savannah Street north of Williams Street.
19. No. 04PL131 - A request by Sperlich Consulting for a **Preliminary Plat** on Lots 1 through 10, Block 2, Commerce Park Subdivision, located in the E1/2 SW1/4 SE1/4 Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 SW1/4 SE1/4 and the N1/2 SE1/4 SW1/4 SE1/4, all in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current southern terminus of Fountain Plaza Drive.
20. No. 04PL132 - A request by Roger and Janice Knutsen for a **Preliminary Plat** on Lots 2BR and 3R1 of Block 1 Revised of St. Cloud Subdivision of Forest Hills Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2B, 2C and 3R, Block 1 Revised of St. Cloud Subdivision of Forest Hills

Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1518 Forest Drive.

21. No. 04PL133 - A request by Dream Design International for a **Preliminary Plat** on Tract H, Lots 13A-18A, Lots 13B-18B, Block 4, Tracts F and G, Lots 1A-11A, Lots 1B-11B, Block 19; Lots 1A-8A, Lots 1B-8B, Block 20; and Dedicated Streets, located in the S1/2 SE1/4 NW1/4 and NE1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract E and Lot 14, Block 4, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Homestead Street west of Aurora Drive.
22. No. 04SV037 - A request by Brent Pushing for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the section line highway and the interior street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 4, Brentwood Subdivision, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 NW1/4 SW1/4 SE1/4; S1/2 NE1/4 SW1/4 SE1/4; SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4, Section 25, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Sunridge Road.
23. No. 04VR002 - A request by Alliance of Architects and Engineers for Rapid City Journal for a **Vacation of Right-of-Way** on Lots 1 thru 32, Block 79, Original Townsite of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 507 Main Street.
24. No. 04VR004 - A request by FMG, Inc. for Leigh Tange and James Adams c/o Nemo Road Properties for a **Vacation of Section Line Highway** on the 66 foot section line highway less the east 33 feet of said 66 foot right-of-way, located between the SE1/4 of Section 21 and the NE1/4 of Section 28, all located in T2N, R8E, BHM, Pennington County, South Dakota, located north of I-90 and west of Elk Vale Road.
25. No. 04VR007 - A request by M. James and Kristine J. Brekhus for a **Vacation of Public Right-of-Way** on Lot 9, Forest Park Estates, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4295 Rosemary Lane.
26. 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.

Continue the following items until November 15, 2004:

27. No. 04FV012 - South Robbinsdale Subdivision - A request by Dennis Rogers to consider an application 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, more generally described as being located at 801 East Indiana Street.

End of Continued Items Consent Calendar

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

Upon motion made by Johnson, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, November 1, 2004.

28. CBM Food Service dba **Marlins Roadhouse Grill**, 2803 Deadwood Avenue for an On/Off Sale Malt Beverage License with Video Lottery Transfer (from I-90 Truck Haven dba Windmill Restaurant)
29. **Pennington County Democratic Party** for a Special Malt Beverage and Wine License to be used on November 10, 2004 at Prairie Edge Art Gallery, 606 Main Street
30. **Rapid City Rotary Club (1459)** for a Special Malt Beverage and Wine License to be used on November 18, 2004 at Story Book Island, Sheridan Lake Road

CONSENT CALENDAR ITEMS – 31-71

The following items were removed from the Consent Calendar:

- 51. No. LF101304-09 Deny a request from the City of Box Elder for authorization to annex Lot 1A and Lot 1B of Lot 1, Morningview Subdivision into City of Box Elder
- 63. Set a Special Council meeting for 1:15 P.M., December 28, 2004 to handle end of year business.

Hadley moved, seconded by Waugh and carried to approve the following items as they appear on the Consent Calendar.

Set for Hearing (November 15, 2004)

- 31. No. 02VR004 - SSJE Subdivision - A request by Willard Werth for Black Hills Auto to consider an application for a **Vacation of Right-of-Way** in the SW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°21'15" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" East, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.057 acre of land, more or less, more generally described as being located at 1221 Jess Street.

Public Works Committee Consent Items

- 32. Approve the amendment to Section 107.1 of the City of Rapid City Standard Specifications to add the language of "or other crushed rock, which has been approved by SDDOT for this issue" under both Item A and B.
- 33. Authorize staff to conduct a community meeting, Tuesday, October 19, 2004; 7:00 P.M., to discuss proposed utility rate increases.
- 34. No. PW101204-01 Approve Change Order No. 1F for the Milwaukee Street Mill and Inlay Project No. ST04-1378 to Simon Contractors of SD, Inc. for decrease of \$6,663.15.
- 35. No. PW101204-02 Approve Change Order No. 1F for the Waterloo and Jackson Streets Watermain Loop Project No. W04-1377 to Simon Contractors of SD, Inc. for an increase of \$760.02.
- 36. No. PW101204-03 Approve Change Order No. 2 for the Catron Boulevard Sanitary Sewer Extension, Hwy. 79 to 5th Street Project No. SS01-1052 to Heavy Constructors, Inc. for an increase of \$3,926.40.
- 37. No. PW101204-05 Authorize staff to advertise for bids for Whitehead Ballfield Improvements Phase 3 Irrigation, Fencing, Grading & Seeding Project No. PR04-1428, CIP #50086.
- 38. No. PW101204-16 Authorize staff to advertise for bids for Sheridan Lake Road Panel Replacement Project No. STCM05-1385.
- 39. No. PW101204-06 Authorize Mayor and Finance Officer to sign an Agreement with Designworks, Inc. for Graphic Design Services for the Roosevelt Park Demonstration Garden Interpretive Sign for an amount not to exceed \$1,680.00.
- 40. No. PW101204-08 Authorize Mayor and Finance Officer to sign a Joint Powers Agreement with State of South Dakota Department of Military and Veterans Affairs for cost sharing engineering consultant services for Preliminary Study and Computer Modeling Reroute/Replace 10" and 12" Water mains on Camp Rapid South Canyon High level Water Service Area Rapid City, SD, Project No. W01-1430 with FMG, Inc.
- 41. No. PW101204-09 Authorize Mayor and Finance Officer to sign a Professional Services Agreement with FMG Inc. to provide Engineering Services for Preliminary Study and Computer Modeling Reroute/Replace 10" and 12" Water mains on Camp Rapid South Canyon High level Water Service Area Rapid City, SD, Project No. W01-1430 for an hourly rate plus reimbursable expenses with a maximum limiting fee of \$11,850.00.
- 42. No. PW101203-15 Authorize Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with U.S. Filter for the Rapid City SDADA System, Water Reclamation Facility Expansion Project No. WRF02-1186 for an amount not to exceed \$10,317.65.

- 43. No. PW101204-10 Acknowledge Consultant Pre-selection Committee Report on the Sixth Street Memorial Park Water Transmission Main Reconstruction Project
- 44. Acknowledge Consultant Pre-selection Committee Report on the Omaha Street Beautification Project)
- 45. No. PW101204-04 Authorize staff to Solicit Proposals for 6th Street Memorial Park Water Transmission Main Reconstruction Project No. 50439 W04-1423.
- 46. No. PW101204-11 Approve an Initial Resolution setting time and place for hearing on November 15, 2004 for Block 8 Alley Paving (West Boulevard Addition) Project No. ST03-1330.

INITIAL RESOLUTION
FOR
BLOCK 8 ALLEY PAVING (WEST BOULEVARD ADDITION)
PROJECT NO. ST03-1330

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

1. This Council deems it necessary to improve by installing approximately 250 linear feet of sanitary sewer and paving approximately 600 linear feet of alley located in Block 8, West Boulevard Addition, as outlined in the proposed Resolution of Necessity for Block 8 Alley Paving (West Boulevard Addition) Project ST03-1330, which is on file with the Finance Officer. Sixty percent (60%) of the costs for will be assessed to the affected property owners on an equal benefit basis for the sanitary sewer, and on the basis of front footage for the alley paving improvements.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 15th day of November, 2004 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 47. No. PW101204-12 Approve a Permanent Sanitary Sewer Easement for North Elk Vale Sewer Main Project No. SS03-1292 located in an eighteen-foot strip of land beginning seven feet from the east property line of lot 2 of Wal-East Subdivision NE ¼, SW ¼, Section 27, T2N, R8E, BHM, box Elder, Pennington County, South Dakota for an amount of \$10,000.00.
- 48. No. PW101204-13 Authorize use and expenditure of the \$8,000 contingency on TIF 38 for the Elk Vale Road water main.
- 49. No. PW101204-14 Continue hearing to November 15, 2004 on Assessment Roll for Parkview Drive Extension Project No. ST01-1006.
- 50. No. 04SE003 Approve with stipulations a Special Exception to the Street Design Criteria Manual Section 8.2.1 and Section 8.2.2 for petitioner Bill Barber for GBA, Inc. on Tract C in the SE 1/4 SE 1/4 Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located at 1655 East 27th Street.

Legal & Finance Committee Consent Items

- 52. Set a 2012 meeting for October 25, 2004, at 7:00 p.m. to kick off the 2012 process.
- 53. No. LF101304-01 Approve a Travel Request for Chief Tieszen and staff to attend an annual goals setting meeting at the Civic Center, January 19-21, 2005.
- 54. No. LF101304-02 Approve an Event Permit for Midwest Shrine Convention to hold a parade on September 3, 2005.
- 55. No. LF101304-03 Approve a Travel Request for Mike Jordahl to attend the National Forensic Academy, University of Tennessee, September 9 to November 21, 2005, in the approximate amount of \$3,442.
- 56. Approve an additional expenditure in the amount of \$3,200 for purchase of police vehicles.

- 57. Authorize staff to apply for Fire Prevention Grant in the amount of \$33,147.
- 58. 04TP017 Authorize Mayor and Finance Officer to sign Agreement between City of Rapid City and City of Box Elder for Accomplishing the Rapid City Area Transportation Planning Process.
- 59. 04TP018 Authorize Mayor and Finance Officer to sign Agreement between City of Rapid City and Meade County for Accomplishing the Rapid City Area Transportation Planning Process.
- 60. No. LF101304-04 Approve a Resolution Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION WRITING OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$27,329.15 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 61. No. LF101304-05 Approve a Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON
ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 18th day of October, 2004. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, November 15, 2004 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 62. No. LF101304-06 Authorize Mayor and Finance Officer to sign a Contract with Ketel Thorstenson LLP to perform audit of the financial statements of the City of Rapid City for calendar Year 2004 with the option to renew for calendar year 2005 and 2006.
- 64. Set December 29, 2004, Legal & Finance Committee meeting to December 28, 2004 to follow the Public Works Committee meeting.
- 65. No. LF101304-10 Approve a Resolution Establishing Fees for Grave Spaces and Cemetery Services.

RESOLUTION ESTABLISHING FEES FOR GRAVE SPACES AND CEMETERY SERVICES

BE IT RESOLVED by the City Council of the City of Rapid City that the following rates are hereby established from and after January 1, 2005:

Opening and Closing Costs:

Infant or Small Grave	\$200.00
Over-sized Infant	\$400.00
Adult or regular Grave	\$535.00
Creman Grave	\$200.00
Surcharge for Saturday Opening or Closing	\$155.00
Monument Setting Fee	\$35.00

Disinterment:

Within Cemetery: Three times regular opening and closing costs.
 Removal from Cemetery: Twice regular opening and closing costs.

Grave Space Costs:

	<u>Pre-Need</u>	<u>As-Need</u>
Single Adult Grave	\$500.00	\$535.00
Double Stack Grave	\$620.00	\$660.00
Creman Grave	\$250.00	\$265.00
Infant Grave	\$200.00	\$200.00
Over-sized Infant	\$400.00	\$400.00

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
 s/ Jim Shaw, Mayor

- 66. No. LF101304-12 Acknowledge the report on insurance proposals.
- 67. No. LF101304-13 Approve a proposal from St. Paul in the amount of \$922,706.
- 68. No. LF101304-07 Authorize Mayor and Finance Officer to sign Amendment No. 2 to Promissory Note between City of Rapid City and PAJO Properties, LLC.
- 69. No. LF101304-11 Authorize Mayor and Finance Officer to sign Agreement with Lynee Lindsey.
- 70. Approve the following licenses: Sewer and Water Journeyman: Dale Graham.

Planning Department Consent Items

- 71. No. 04PL098 - A request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Layout Plat** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract D of Medicine Ridge No. 2 and all of Lot 3 of Tower Ridge Subdivision and all of Tract F and Tract G located in the NE1/4 of SW1/4 and SE1/4 of NW1/4 of Section 23, and a portion of the Point Vista Court right-of-way, all located in the W1/2 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5440 Plains Vista Court. . (LAYOUT PLAT BE DENIED WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST.)

END OF CONSENT CALENDAR

Waugh moved, seconded by Murphy (No. LF101304-09) to Deny a request from the City of Box Elder for authorization to annex Lot 1A and Lot 1B of Lot 1, Morningview Subdivision into City of Box Elder. Janet Edwards, 14830 Morning View Drive related her experiences with Pennington County and the City of Box Elder in her efforts to combine the lots in order to build a new home. Growth Management Director Elkins pointed out that the issue relates to annexation and offered her assistance to Janet Edwards to work with the County on their replat provisions. Upon a vote being taken on the motion, motion carried.

Kooiker moved, seconded by French and carried to set a Special Council meeting for 1:15 P.M., December 28, 2004 to handle end of year business.

PUBLIC HEARINGS

The Mayor presented No. 04CA031, a request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for an **Amendment to the Comprehensive Plan to change the future land use designation on a 23.11 acre parcel from Low Density Residential to Medium Density Residential with a Planned Residential Development** on a parcel of land located in the West One-Half ($W\frac{1}{2}$) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter ($NE\frac{1}{4} SW\frac{1}{4}$) and Southeast One Quarter of the Northwest One Quarter ($SE\frac{1}{4} NW\frac{1}{4}$) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a

distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court. Hadley moved, seconded by French and carried to deny without prejudice.

The Mayor presented No. 04CA033, a request by Dream Design International for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 21.8 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 398.80'; Thence Fourth Course: S61°38'00"E - 629.13'; Thence Fifth Course: S42°00'00"E - 133.00'; Thence Sixth Course: S62°00'00"E - 276.00'; Thence Seventh Course: S69°00'00"E - 351.00'; Thence Eighth Course: S27°00'00"W - 405.36'; Thence Ninth Course: Along an arc to the left chord bearing S78°08'34"W a distance of 597.75' which radius is 2133.30' an arc distance of 599.72'; Thence Tenth Course: N00°11'27"W - 198.19'; Thence Eleventh Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 21.8 Acres more or less, located lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street). The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 18th day of October, 2004 to consider an amendment to the Comprehensive Plan by changing the future land use designation on an approximate 21.8 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on property described by metes and bounds as

beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 398.80'; Thence Fourth Course: S61°38'00"E - 629.13'; Thence Fifth Course: S42°00'00"E - 133.00'; Thence Sixth Course: S62°00'00"E - 276.00'; Thence Seventh Course: S69°00'00"E - 351.00'; Thence Eighth Course: S27°00'00"W - 405.36'; Thence Ninth Course: Along an arc to the left chord bearing S78°08'34"W a distance of 597.75' which radius is 2133.30' an arc distance of 599.72'; Thence Tenth Course: N00°11'27"W - 198.19'; Thence Eleventh Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 21.8 Acres more or less; and good cause appearing therefor

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

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04CA038, a request by Dream Design International for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 2.2 acre parcel from Medium Density Residential to General Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence N89°44'10"E - 80.00' to the True Point of Beginning; Thence First Course: N90°00'00"E - 219.82'; Thence Second Course: N44°44'10"E - 319.22'; Thence Third Course: Along an arc to the left chord bearing N81°28'53"W a distance of 450.83' which radius is 1344.30' an arc distance of 452.97'; Thence Fourth Course: S00°15'50"E - 293.55' to the True Point of Beginning, containing 2.2 Acres more or less, located southeast corner of the intersection of Luna Avenue and Spruce Street. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 18th day of October, 2004 to consider an amendment to the Comprehensive Plan by changing the future land use designation on an approximate 2.2 acre parcel from Medium Density Residential to General Commercial with a Planned Commercial Development, on property described by metes and bounds as beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence N89°44'10"E - 80.00' to the True Point of Beginning; Thence First Course: N90°00'00"E - 219.82'; Thence Second Course: N44°44'10"E - 319.22'; Thence Third Course: Along an arc to the left chord bearing N81°28'53"W a distance of 450.83' which radius is 1344.30' an arc distance of 452.97'; Thence Fourth Course: S00°15'50"E - 293.55' to the True Point of Beginning, containing 2.2 Acres more or less; and good cause appearing therefor

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

Dated this 18th day of October, 2004.

ATTEST:

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

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

The Mayor presented No. 04CA039, a request by Dream Design International for an **Amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.9 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Pennington County, SD: Thence N89°44'10"E - 80.00'; Thence N90°00'00"E - 219.82' to the True Point of Beginning; Thence First Course: N90°00'00"E - 689.19'; Thence Second Course: N61°38'00"W - 265.21'; Thence Third Course: Along an arc to the left chord bearing N66°26'49"W a distance of 252.15' which radius is 1344.30' an arc distance of 252.52'; Thence Fourth Course: S44°44'10"W - 319.22' to the True Point of Beginning, containing 1.9 Acres more or less, located approximately 220 feet east/southeast of the southeast corner of the intersection of Luna Avenue and Spruce Street. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 7th day of October, 2004 to consider an amendment to the Comprehensive Plan by changing the future land use designation on an approximate 1.9 acre parcel from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on property described by metes and bounds as beginning at the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Pennington County, SD: Thence N89°44'10"E - 80.00'; Thence N90°00'00"E - 219.82' to the True Point of Beginning; Thence First Course: N90°00'00"E - 689.19'; Thence Second Course: N61°38'00"W - 265.21'; Thence Third Course: Along an arc to the left chord bearing N66°26'49"W a distance of 252.15' which radius is 1344.30' an arc distance of 252.52'; Thence Fourth Course: S44°44'10"W - 319.22' to the True Point of Beginning, containing 1.9 Acres more or less; and good cause appearing therefor

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

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented No. 04PD054, an Appeal of the Planning Commission's action on a request by FMG, Inc. for Bill Freytag to consider an application for a Planned Residential Development - Initial Development Plan on a tract of land located in the SE1/4 of SW1/4 of Section 13, and in the NE1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 1" pipe marking the southwest 1/16 corner of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°11'23"E a distance of 117.00', more or less, to a point; Thence S89°49'06"E a distance of 221.72', more or less, to a point; Thence N00°10'54"E a distance of 233.09', more or less, to a point; Thence S89°41'23"E a distance of 888.80', more or less, to a point; Thence S00°09'49"W a distance of 380.90', more or less, to a point; Thence N89°47'53"W a distance of 286.16', more or less, to a point; said point being a 5/8" rebar

marking the northwest corner of Lot 6 of Block 1 of Mallridge Subdivision No. 2; Thence N89°51'52"W a distance of 374.71', more or less, to a point; Said point being a 5/8" rebar marking the northwest corner of Lot 11 of Block 1 of Mallridge Subdivision No. 2; Thence N89°49'06"W a distance of 449.80', more or less, to a point, Said point being a 2" pipe with survey cap LS 880 marking the southeast corner of Lot 13 of Madison's Subdivision; Thence N00°11'52"E a distance of 33.00', more or less, to the point of beginning. Said area includes 8.557 acres, more or less, more generally described as being located west of Haines Avenue and north of Mallridge Subdivision. Hadley moved, seconded by Waugh to approve the Planned Residential Development - Initial Development Plan with the following stipulations: 1. A Final Plat shall be approved prior to or in conjunction with a Final Planned Residential Development; 2. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 3. A minimum 18 foot front yard setback shall be provided in front of each garage and a minimum 15 foot front yard setback shall be provided in front of each residence; 4. A minimum six (6) foot side yard setback shall be provided; 5. A minimum fifteen foot rear yard setback shall be provided. In addition, the single family residences and/or townhomes located on Lots 1 thru 11, Block 5 shall be one story structures only or a 25 foot rear yard setback shall be provided; 6. A minimum lot size of 4,800 square feet shall be provided; 7. A maximum 35% lot coverage shall be allowed; 8. All Uniform Fire Codes shall be met; 9. Prior to any building construction on each parcel, any drainage channels or facilities as identified in the drainage plan for the subdivision to be installed on or adjacent to the parcel, shall be constructed ; 10. Upon submittal of a Final Planned Residential Development, covenants or some other mechanism shall be established to insure that the development will provide affordable housing as proposed and that the housing will remain affordable; and, 11. The Planned Residential Development shall allow for the construction of single family and/or townhomes on the property. However, the Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for two years. Discussion followed. Chris Wehrle, 712 Lion Drive approached the Council with his concerns over drainage issues, set back requirements, lot size, density, on-street parking and covenants. Bill Freytag addressed the Council explaining that the drainage flows away from Haines Avenue and the minimum setbacks are appropriate. Alderman Johnson noted there should be a change in the zoning. Upon a vote being taken on the motion, motion carried with Alderman Kroeger abstaining.

Hadley moved, seconded by Waugh and carried to Authorize Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on a portion of 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. (04SV035)

The Mayor presented No. 04SV035, a request by Donald Potts for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer, pavement and additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 and Lot 2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SW1/4 SE1/4; SE1/4 SW1/4 SE1/4 less Lot H1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6105 Covenant Drive. Hadley moved, seconded by French and carried to approve the Variance to the Subdivision Regulations with the following stipulations: 1. Prior to City Council, Covenant Drive shall provide a minimum 49 foot right-of-way and a minimum cul-de-sac turnaround bulb shall be located in a minimum 96 foot wide diameter right-of-way; 2. Prior to City Council, Covenant Drive shall be constructed with a minimum 20 foot wide graveled surface; and, 3. Prior to City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements along Catron Boulevard and Covenant Drive.

The Mayor presented No. 04SV044, a request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb, gutter, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of ELGSS Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the West One-Half (W¹/₂) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE¹/₄ SW¹/₄) and Southeast One Quarter of the Northwest One Quarter (SE¹/₄ NW¹/₄) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on

Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord

bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court. Hadley moved, seconded by French and carried to deny without prejudice.

Hadley moved, seconded by French and carried to Authorize Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on the balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 900 East Watertown. (04SV049)

The Mayor presented No. 04SV049, a request by TSP for Rob Poeppel for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Block 4 of Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as balance of the North 1/2 of Block 4 and balance of the South 1/2 of Block 4 and alley right-of-way all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 900 East Watertown. Hadley moved, seconded by French and carried to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along E. Madison Street and the southern 175 feet of N. Cherry Avenue be denied without prejudice and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along the northern 100 feet of N. Cherry Avenue be approved with the following stipulations: 1. Prior to City Council approval, the Vacation of Right-of-way petition for E. Madison Street right-of-way and the southern 175 feet of the N. Cherry Avenue, as they abut the subject property, shall be approved; and, 2. Prior to submittal of a Final Plat application, the applicant shall sign a waiver of right to protest any future assessments for the installation of curb, gutter, sidewalk, street light conduit, water, sewer and pavement improvements along the northern 100 feet of N. Cherry Avenue as it abuts the subject property.

The Mayor presented No. 04SV052, a request by Roger and Janice Knutsen for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2BR and 3R1 of Block 1 Revised of St. Cloud Subdivision of Forest Hills Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 2B, 2C and 3R, Block 1 Revised of St. Cloud Subdivision of Forest Hills Subdivision located in NE1/4 SW1/4 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1518 Forest Drive. Hadley moved, seconded by French and carried to approve the Variance to the Subdivision Regulations.

The Mayor presented No. 1135, a request by Teton Coalition, Inc. for a **Vacation of Public Right-of-way** on the 25 feet of the alley right-of-way located adjacent to Lot 69, Dakota Subdivision No. 1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 631 Sitting Bull Street. Hadley moved, seconded by French and carried to approve the Vacation of Public Right-of-way.

RESOLUTION OF VACATION OF PUBLIC RIGHT-OF-WAY

WHEREAS it appears that the public right-of-way on the 25 feet of the alley right-of-way located adjacent to Lot 69, Dakota Subdivision No. 1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 631 Sitting Bull Street; is not needed for public purposes; and

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

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

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

Dated this 18th day of October, 2004.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

ORDINANCES & RESOLUTIONS

The Mayor announced with the meeting was open for hearing on No. 04RZ038, second reading of **Ordinance 4080**, a request by Fisk Land Surveying and Consulting Engineers for the Good Samaritan Society for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land located in the West One-Half (W $\frac{1}{2}$) of Section Twenty Three (23) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Pennington County, South Dakota, including all of Tract D of Medicine Ridge No. 2 (as shown on the plat recorded on September 24, 1976 and filed in Plat Book 14 on Page 227), all of Lot 3 of Tower Ridge Subdivision (as shown on the plat recorded on May 14, 1984 and filed in Plat Book 19 on Page 159), all of Tracts F and G located in the Northeast One Quarter of the Southwest One Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) and Southeast One Quarter of the Northwest One Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of said Section 23, T1N, R7E, BHM (as shown on the plat recorded on September 22, 1970 and filed in Plat Book 11 on Page 59), and a portions of vacated right-of-way adjoining said lots, more fully described as follows: Beginning at the northeast corner of Lot 3 of Tower Ridge Subdivision in said Section 23, T1N, R7E, BHM, said corner being marked by a rebar, thence, South 00 degrees 12 minutes 34 seconds East (more or less) along the easterly line of said Lot 3 of Tower Ridge Subdivision (said line being coincident with the westerly line of Lot 1 of Enchanted Hills Subdivision, also located in Section 23, T1N, R7E, BHM and as shown on the plat recorded on November 2, 1977 and filed in Plat Book 15 on Page 197), a distance of 178.24 feet (more or less) to the southeast corner of said Lot 3 of Tower Ridge Subdivision, said corner being coincident with the northeast corner of previously described Tract F, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, South 00 degrees 12 minutes 15 seconds East (more or less) along the easterly line of said Tract F (said line being coincident with the westerly line of previously described Lot 1 of Enchanted Hills Subdivision), a distance of 121.75 feet (more or less) to the southwest corner of said Lot 1 of Enchanted Hills Subdivision, said corner being marked by a rebar; thence, South 00 degrees 10 minutes 15 seconds East (more or less) along the easterly line of said Tract F and previously described Tract G (said line being coincident with the westerly line of previously described Lot 1 and Lot 2 of Enchanted Hills Subdivision), a distance of 279.96 feet (more or less) to the southwest corner of said Lot 2 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 3 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 11 minutes 01 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 3 of Enchanted Hills Subdivision), a distance of 124.70 feet (more or less) to the southwest corner of said Lot 3 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 5 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 15 minutes 44 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 5 of Enchanted Hills Subdivision), a distance of 213.66 feet (more or less) to the southwest corner of said Lot 5 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 6 of Enchanted Hills Subdivision and said corner being marked by a rebar; thence, South 00 degrees 08 minutes 16 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 6 of Enchanted Hills Subdivision) a distance of 331.28 feet (more or less) to the southwest corner of said Lot 6 of Enchanted Hills Subdivision, said corner being coincident with the northwest corner of Lot 7 of Enchanted Hills Subdivision and said corner being

marked by a rebar; thence, South 01 degrees 03 minutes 11 seconds East (more or less) along the easterly line of said Tract G (said line being coincident with the westerly line of previously described Lot 7 of Enchanted Hills Subdivision) a distance of 64.35 feet (more or less) to the southeast corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 56 minutes 34 seconds West (more or less) along the southerly line of said Tract G, a distance of 481.92 feet (more or less) to the southwest corner of said Tract G, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 00 degrees 17 minutes 07 seconds West (more or less) along the westerly line of said Tract G, a distance of 450.68 feet (more or less) to the southeast corner of previously described Tract D of Medicine Ridge No. 2, said corner being marked by a rebar with survey cap marked "LS 1019"; thence, South 89 degrees 50 minutes 58 seconds West (more or less) along the southerly line of said Tract D of Medicine Ridge No. 2, a distance of 455.58 feet (more or less) to the southwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the southeast corner of Tract E of Medicine Ridge No. 2 and said corner being marked by a rebar with survey cap marked "LS 1019"; thence, North 07 degrees 27 minutes 38 seconds East (more or less) along the westerly line of said Tract D of Medicine Ridge No. 2 (said line being coincident with the easterly line of said Tract E of Medicine Ridge No. 2) a distance of 911.90 feet (more or less) to the northwest corner of said Tract D of Medicine Ridge No. 2, said corner being coincident with the northeast corner of Said Tract E of Medicine Ridge No. 2 and said corner being marked by a spike; thence, North 07 degrees 18 minutes 46 seconds East (more or less) a distance of 34.93 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, South 82 degrees 45 minutes 38 seconds East (more or less) a distance of 25.49 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence; curving to the left along a curve with a radius of 1000.76 feet, a delta of 7 degrees 13 minutes 45 seconds, a length of 126.27 feet (more or less) and a chord bearing of South 86 degrees 32 minutes 17 seconds East and a chord distance of 126.18 feet (more or less) to a point along the center line of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 89 degrees 59 minutes 18 seconds East (more or less) a distance of 165.32 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, curving to the right on a curve with a radius of 150.15 feet, a delta of 39 degrees 33 minutes 47 seconds, a length of 103.68 feet (more or less), a chord bearing of South 70 degrees 11 minutes 15 seconds East and a chord distance of 101.63 feet (more or less) to a point along the centerline of Plains Vista Court right-of-way, said point being marked by a rebar with survey cap marked "LS 6565"; thence, North 39 degrees 33 minutes 37 seconds East (more or less) a distance of 35.55 feet (more or less) to a northwesterly corner of previously described Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar; thence, North 38 degrees 23 minutes 24 seconds East (more or less) along the westerly line of said Lot 3 of Tower Ridge Subdivision, a distance of 12.77 feet (more or less) to the northwest corner of said Lot 3 of Tower Ridge Subdivision, said corner being marked by a rebar with survey cap marked "LS 1771"; thence, along the northerly line of said Lot 3 of Tower Ridge Subdivision, and curving to the left along of curve with a radius of 382.75 feet, a delta of 59 degrees 01 minutes 11 seconds, a length of 394.27 feet (more or less), a chord bearing of South 79 degrees 54 minutes 38 seconds East (more or less) and a chord distance of 377.06 feet (more or less) to the point of beginning. Said tract of land contains 23.11 acres more or less, located at 5440 Plains Vista Court. Notice of hearing was published in the Rapid City Journal on September 11, 2004, and September 18, 2004. Ordinance 4080, having had the first reading on September 7, 2004, it was moved by French and seconded by French to deny without prejudice. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon motion carried to deny without prejudice.

The Mayor announced with the meeting was open for hearing on No. 04RZ039, second reading of **Ordinance 4085**, a request by Dream Design International for a **Rezoning from General Agriculture District to General Commercial District** on Tract C of the SW $\frac{1}{4}$ and an unplatted portion of the SW $\frac{1}{4}$ of Sec. 29, and SE $\frac{1}{4}$ of Section 30, T2N, R8E, Rapid City, Pennington County, South Dakota described as follows: Beginning at the northwest intersection of the Right-of-way of Cherry Avenue and Sunnyside Avenue, Thence First Course: S90°00'00"W - 170.00'; Thence Second Course: N50°00'00"E - 843.73'; Thence Third Course: N00°00'00"E - 600.54'; Thence Fourth Course: N90°00'00"W - 1000.49'; Thence Fifth Course: N00°04'37"W - 1076.46'; Thence Sixth Course: Along an arc to the right with a chord bearing S74°34'20"E and a length of 637.90' with radius of 2142.00' an arc length of 640.29'; Thence Seventh Course: Along an arc to the right with radius of 2906.00' an arc distance of 221.90'; Thence Eighth Course: S61°38'02"E - 1274.64'; Thence Ninth Course: S41°50'06"E - 132.85'; Thence Tenth Course: S61°38'02"E - 225.00'; Thence Eleventh Course: S68°57'37"E - 352.88'; Thence Twelfth Course: S61°38'02"E - 175.00'; Thence Thirteenth Course: S50°01'40"E - 101.98'; Thence Fourteenth

Course: S61°20'16"E - 125.00'; Thence Fifteenth Course: S72°38'51"E - 101.98'; Thence Sixteenth Course: S61°56'20"E - 315.51'; Thence Seventeenth Course: S00°07'29"E - 311.11'; Thence Eighteenth Course: S00°07'37"E - 280.18'; Thence Nineteenth Course: S00°07'31"E - 347.13'; Thence Twenty-first Course: N63°19'45"W - 138.40'; Thence Twentieth Course: Along an arc to the left chord bearing N86°23'34"W a distance of 1704.20' which radius is 2173.30' an arc distance of 1751.19'; Thence Twenty-second Course: N00°11'27"W - 145.14'; Thence Twenty-third Course: S89°51'40"W - 920.61' to the Point of Beginning, containing 93.2 Acres more or less, located lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street). Notice of hearing was published in the Rapid City Journal on September 11, 2004, and September 18, 2004. Ordinance 4085, having had the first reading on September 7, 2004, it was moved by Johnson and seconded by Waugh that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4085 the second time.

The Mayor announced with the meeting was open for hearing on No. 04RZ044, second reading of **Ordinance 4090**, a request by Dream Design International for a **Rezoning from Medium Density Residential District to General Commercial District** on property described by metes and bounds as beginning at a point N89°44'10"E and a distance of 80.00' from the SE corner of Lot M of the NW1/4 SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota: Thence First Course: N00°15'50"W - 379.98'; Thence Second Course: S89°38'28"W - 80.00'; Thence Third Course: N00°15'25"W - 714.05'; Thence Fourth Course: N89°42'58"E - 40.76'; Thence Fifth Course: Along an arc to the right with a chord bearing S88°05'47"E a distance of 221.85' which radius is 2906.00' an arc distance of 221.90'; Thence Sixth Course: Along an arc to the right with a chord bearing S84°31'20"E a distance of 103.66' which radius is 2142.00' an arc distance of 103.67'; Thence Seventh Course: S00°04'37"E - 1076.46'; Thence Fourth Course: N90°00'00"W - 282.17' to the Point of Beginning, containing 8.4 Acres more or less, located lying south of Interstate 90, east of Spruce Street, north of Anamosa Street and north of the existing Railroad right-of-way, and approximately 1000 feet west of the intersection of I-90 and Exit 60 (East North Street). Notice of hearing was published in the Rapid City Journal on September 11, 2004, and September 18, 2004. Ordinance 4090, having had the first reading on September 7, 2004, it was moved by Johnson and seconded by Waugh that the title be read the second time. The following voted AYE: Hadley, Chapman, Murphy, French, Kroeger, Olson, Kooiker, Johnson and Waugh; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 4090 the second time.

LEGAL & FINANCE COMMITTEE ITEMS

Johnson moved, seconded by Waugh (No. LF092904-06) to approve the proposed Bylaws as recommended by the Parks & Recreation Advisory Board. Motion carried.

Johnson moved, seconded by Waugh (No. LF092904-07) to approve the proposed Operating Procedures as recommended by the Parks & Recreation Advisory Board. Motion carried.

PUBLIC WORKS COMMITTEE ITEMS

Hadley moved, seconded by French to approve an informal quote in the amount of \$4,500 to replace heaving concrete slab around concession area at the Parkview Softball Complex. Motion carried.

Hadley moved, seconded by French (No. 04VE020) to Deny a request by James Steele for Arthur Barrett to consider an application for a **Vacation of Utility Easement** on Lot 4, Steele Subdivision, located in NW1/4 SE1/4 and NE1/4 SE1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2944 Evergreen Drive. Discussion followed. James Steele, 2927 Evergreen Drive explained he had met with City staff to ask for permission to excavate and sleeve the existing sewer line for a distance of ten foot beyond each end of the area required. Should the service line fail in the future, it could be easily replaced by removing the line from either end of the sleeve and extend a new pipe through the sleeve. Upon installation of the sleeve he asked that the vacation of utility easement be approved without stipulations. Acting Public Works Director Vore commented that the Utility Maintenance Department could support the use of the sleeve, if determined by the Council to be acceptable. Jeff Barrett indicated to the Council that he was not aware of the proposal to sleeve the sewer line and questioned the installation process of the sleeve. City Attorney Green advised that the City require a Hold Harmless Agreement with the homeowner; and in addition, require a separate Hold

Harmless Agreement with James Steele at the time he would enter the public utility easement for the purpose of constructing the sleeve. Jeff Barrett indicated his desire not to sign the agreement because he would not receive a favorable price when the property is sold. Upon a vote being taken on the motion to deny the request, motion carried.

APPROVAL OF BILLS

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

Payroll Paid Ending 10-2-04, Paid 10-8-04	650,507.83
Payroll Paid Ending 10-2-04, Paid 10-8-04	1,604.80
Pioneer Bank, Taxes Paid 10-8-04	157,681.32
Pioneer Bank, Taxes Paid 10-8-04	121.62
First Administrators, claims paid 10-6-04	53,127.91
First Administrators, claims paid 10-13-04	29,389.65
Berkley Risk Administrators, September claims paid	23,509.50
West River Electric Association, electricity	15,084.16
Black Hills Power & Light, electricity	37,112.43
United States Postmaster, postage	800.00
Computer Bill List	3,508,128.91
Sub-Total	<u>\$4,477,068.13</u>
Payroll Paid Ending 10-2-04, Paid 10-8-04	1,782.85
Pioneer Bank, Taxes paid 10-8-04	136.38
City of Rapid City, postage	12.20
City of Rapid City, computer supplies	53.33
City of Rapid City, September dental insurance	18.50
City of Rapid City, September health insurance	351.00
Dakota Business Center, copier maintenance	7.17
SD Retirement System, September pension	170.60
SD School of Mines & Technology, phone	53.46
Standard Life, October life	3.50
Western Stationers, copy paper	17.27
Sub-Total	<u>\$4,479,674.39</u>
McKie Ford-Lincoln-Mercury, police vehicles	3,200.00
Heartland Retail Center LLC, watermain	8,000.00
Total	<u>\$4,490,874.39</u>

CITY ATTORNEY'S ITEMS

Kroeger moved, seconded by French and carried to go into executive session to discuss pending litigation, contractual and personnel matters.

The Council reconvened at 9:57 P.M. with all members present.

Chapman moved, seconded by Waugh to request the City Attorney's Office to write a letter to the successful bidder of a single axle truck demanding performance of their contractual obligations. Discussion followed. Bob Meisner, General Manager of West River International addressed the Council explaining that the truck being built for the Street Department is being supplied with an Allison automatic transmission that is not compatible with the exact power take-off unit that the Street Department desires. He explained that the PTO unit takes power from the transmission and uses it along with the hydraulic pump to provide hydraulic power to raise and lower the dump body. He explained that it had been indicated to him that the City would not use the truck as a snow plow, and the specifications are not consistent with specifications of a snow plow truck. The hydraulics will work as intended if moving or in neutral. Acting Public Works Director Vore pointed out that the City's specifications required a live power take-off. Upon a vote being taken on the motion, motion carried.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:05 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)