

ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

**AGENDA FOR THE CITY COUNCIL
City of Rapid City, South Dakota
7:00 P.M., September 7, 2010**

ROLL CALL AND DETERMINATION OF QUORUM

INVOCATION

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

APPROVE MINUTES for July 14, 2010 and August 3, 4, 11, 12 and 16, 2010 Special City Council meetings and August 16, 2010 Regular City Council meeting.

AWARDS AND RECOGNITIONS

GENERAL PUBLIC COMMENT

A time for the members of the public to discuss or express concerns to the Council on any issue not on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Council members present.

NON-PUBLIC HEARING ITEMS -- Items 1 – 119

Public Comment opened – Items 1 – 85
Public Comment closed

CONSENT ITEMS – Items 1 – 76

Remove Items from the “Consent Items” and Vote on Remaining Consent Items

Vacations of Right-Of-Way Set for Hearing (October 4, 2010)

1. No. 10VR005 - A request by City of Rapid City for a **Vacation of Right-of-way** of 12 foot wide private lane to be vacated from the northeast corner of Lot B of Lot 4 of Block 2 of Cleghorn Canyon No. 2, N88°20'25"W a distance of 120.47 feet, thence N01°48'54"E a distance of 12.33 feet, thence S88°11'06"E a distance of 120.58 feet, thence S02°20'56"W a distance of 12.00 feet to a point of closing and the private lane to be vacated is adjacent to the north 202 feet of Lot 4 and the vacated street lying east and adjacent to said Lot in Block 2 and Lot B of Lot 4 of Block 2 of Cleghorn Canyon No. 2, located in the SW1/4, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Cleghorn Canyon Road and Cleghorn Canyon Lane.
2. No. 10VR006 - A request by Sperlich Consulting, Inc. for Century Resources, Inc. for a **Vacation of Right-of-Way** of the 16 foot wide alley adjacent to a portion of Lot 3 less Lot H-1 and a portion of the NW1/4 SW1/4, and adjacent to Lot 2 of Block 2 of Menard Subdivision, located in the NW1/4 SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located 1/2 mile west of the Menards on East North Street.

Alcoholic Beverage License Applications Set for Hearing (September 20, 2010)

3. Downtown Rapid City Economic Development Corp. DBA Destination Rapid City for a Special Event Beer License for an event scheduled October 2, 2010 at the intersection of 7th Street and St. Joseph Street.
4. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled October 21, 2010 at Black Hills Surgical Hospital, 216 Anamaria Drive.
5. Friends of the Rapid City Library for a Special Event Wine License for an event scheduled for October 21, 2010 at the Rapid City Public Library, 610 Quincy Street.
6. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled November 9, 2010 at SDSM&T Paleo Building, 501 E. St. Joseph Street.

Public Works Committee Consent Items

7. No. PW083110-01 – Approve the Request for Wood Chips for Story Book Island Fundraising Event “Once Upon a Festival”.
8. No. PW083110-41 – Acknowledge the report on the Audit Plan.
9. No. PW083110-42 – Acknowledge the Status of Growth Management Report.
10. No. PW083110-34 – Authorize staff to Solicit Proposals for Brokerage Services of Recyclable Materials – Recycling/Solid Waste Committee.
11. Acknowledge the Opportunity Capture Fund Report
12. No. PW083110-05 – Authorize Mayor and Finance Officer to Sign a Drainage and Access Easement Agreement between the City of Rapid City and the Evangelical Lutheran Good Samaritan Society for the property generally located east of City Springs Road to the west of Sturgis Road and to the south of St. Martins Drive, located in the SE1/4, NE1/4 and in the NW1/4, SE1/4, and the SW1/4, SE1/4 all of Section 29, T2N, R7E, BHM, Pennington County, South Dakota.
13. No. PW083110-06 – Authorize Mayor and Finance Officer to Sign a Reservoir Access and Utility Easement Agreement between the City of Rapid City and the Benedictine Convent of Saint Martins for the property generally located south and west of City Springs Road, located in the S1/2 of Section 29, T2N, R7E, BHM, Pennington County, South Dakota.
14. No. PW083110-07 – Authorize Mayor and Finance Officer to Sign a Reservoir Access and Utility Easement Agreement between the City of Rapid City and the Evangelical Lutheran Good Samaritan Society for the property generally located north of the terminus of City Springs Road to the west of Sturgis Road and to the south and east of St. Martins Drive, located in the SW1/4 of Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.
15. No. PW083110-08 – Authorize Mayor and Finance Officer to Sign a Drainage and Access Easement Agreement between the City of Rapid City and SM Properties LLC for the property generally located north of Saint Martins Drive, located in the NW1/4 of NE1/4 of Section 29, T2N, R7E, BHM, Pennington County, South Dakota.

16. No. PW083110-09 – Approve Change Order No. 2F to J&J Asphalt Company for Street Rehabilitation – Arrow Street, Farlow Street & Culvert Street, Project No. ST10-1854 / CIP No. 50549, for an increase of \$1,017.65.
17. No. PW083110-10 – Approve Change Order No. 4F to Rangel Construction Company LLC for Fire Station #7, Project No. FD10-1767, for an increase of \$4,870.05.
18. No. PW083110-11 – Approve Change Order No. 1F to Stanley J Johnsen Concrete Contractor Inc. for Jackson Boulevard Joint Sealing and Panel Repair, Project No. ST10-1871 / CIP No. 50445, for a decrease of \$11,450.00.
19. No. PW083110-12 – Approve Change Order No. 1 to Simon Contractors of SD, Inc. for West Chicago Area Water Main Reconstruction, Project No. W08-1763 / CIP No. 50282, for an increase of \$5,380.00.
20. No. PW083110-14 – Approve Change Order No. 1F to Highmark, Inc. for 9th Street Watermain, Project No. W10-1885 / CIP No. 50815, for an increase of \$417.20.
21. No. PW083110-15 – Authorize Staff to Advertise for Bids for Fire Hydrant Installation – 2010 Annual Project, Project No. W10-1875 / CIP No. 50808. Estimated cost: \$25,000.00.
22. No. PW083110-16 – Authorize Staff to Advertise for Bids for Saint Patrick Street Siphon Odor Control Facility, Project No. SS09-1825 / CIP No. 50774. Estimated cost: \$375,000.00.
23. No. PW083110-17 – Authorize Staff to Advertise for Bids for 2010 Out of the Dust Project, Project No. ST10-1897 / CIP No. 50297. Estimated cost: \$40,000.00.
24. No. PW083110-18 – Authorize Staff to Advertise for Bids for Catron Boulevard Reconstruction Utility Relocation and Modification, Project No. SS09-1819 / CIP No. 50495. Estimated cost: \$1,550,000.00.
25. No. PW083110-19 – Authorize Staff to Advertise for Bids for Main Street Square Site Development, Project No. PR10-1901 / CIP No. 50839.
26. No. PW083110-39 – Approve Omaha Pedestrian Crossing Relocation, Project No. ST10-1865 / CIP No. 50807. Estimated cost: \$185,000.00.
27. No. PW083110-20 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Agreement Number 612978 Financial and Road Transfer Agreement Between State of South Dakota and City of Rapid City, for the purpose of funding transportation improvements and transferring segments of roads between the State of South Dakota and the City of Rapid City.
28. No. PW083110-21 – Approve Covenant Agreement Between City of Rapid City and Cortez, LLC to allow the continued use of a sub-grade encroachment into the adjacent public right of way. Downtown Improvement Project – 6th Street from Kansas City Street to Omaha Street, Project No. ST10-1817 / CIP No. 50138.
29. No. PW083110-22 – Approve Covenant Agreement Between City of Rapid City and Braun's Apparel, Inc. to allow the continued use of a sub-grade encroachment into the adjacent public right of way. Downtown Improvement Project – 6th Street from Kansas City Street to Omaha Street, Project No. ST10-1817 / CIP No. 50138.

30. No. PW083110-23 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Stanley Consultants, Inc. for the Water Reservoirs Maintenance Project; Project No. W10-1879/CIP No. 50804 for the amount of \$81,200.00.
31. No. PW083110-24 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Baffuto Architecturra for the Meadowbrook Golf Course Maintenance Building, Project No. PR10-1902 / CIP No. 50841, in the amount of \$69,100.00.
32. No. PW083110-25 – Authorize Mayor and Finance Officer to Sign a Right-Of-Way Permit/Easement Agreement Between the City of Rapid City and Black Hills Power, Inc. for Lot 6-6A, Lots 7A and 8A of Lots 7 and 8, and Lot 5 of the Revised Plat of Camp Dakota, Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
33. No. PW083110-26 – Approve Construction Fee Resolution #2010-103 for Eglin Street Realignment Sewer Main Reconstruction.
34. No. PW083110-27 – Approve Construction Fee Resolution #2010-104 for Copperfield Vistas Subdivision Sanitary Sewer.
35. No. PW083110-28 – Approve Construction Fee Resolution #2010-105 for Dakota Craft Water Main Extension.
36. No. PW083110-29 – Approve Construction Fee Resolution #2010-106 for Sixth Street Water Main. DON'T LINK
37. No. PW083110-30 – Approve Construction Fee Resolution #2010-107 for Mall Drive Water Transmission Main Oversize.
38. No. PW083110-31 – Approve Construction Fee Resolution #2010-108 for Mall Drive Water Transmission Main Frontage.
39. No. PW083110-32 – Approve Resolution #2010-115 Establishing Time and Place for Hearing on Final Assessment Roll for the E. St. Patrick Street Sidewalk Project, Project No. MIP09-1805.
40. No. PW083110-33 – Approve a Request by THF Realty to Install and Maintain Decorative Street Lighting on Stumer Road from 5th Street to Black Hills Boulevard.
41. No. PW083110-36 – Approve the Determination of 813 parking spaces for Central High School.
42. No. 10TP023 – Approve the 2011-2015 Rapid City Area Transportation Improvement Program – Final Report.
43. No. PW083110-40 – Refer Paving of Alley in the 200 Block of East Saint Francis Street to the September 17, 2010, CIP Committee.

Legal & Finance Committee Consent Items

44. Approve Teton Coalition's request to use Memorial Park after hours on October 1, 2010.
45. Approve request from Don Anderson of the Dakota Territory Wild Bunch to hold a western re-enactment performance at Midland Mall as a fundraiser for the Children's Miracle Network on September 10, 2010.

46. No. LF090110-37 – Confirm appointment of Scott Landguth and Clint Allen to the Air Quality Board for three year terms to expire August 31, 2013.
47. No.LF090110-38 – Confirm the reappointment of Deb Hadcock, Ron Kroeger, Bill Waugh, Gary Brown, and Bonny Petersen for terms to expire July 1, 2011, the appointment of John Brewer (Planning Commission representative) for a term to expire July 1, 2011, and the reappointment of Dwight Peterson (Rapid Valley Sanitation District Representative) for a term to expire July 1, 2011, to the Annexation Committee.
48. No. LF090110-02 – Acknowledge interim Historic Study Commission report from Patrick Goetzinger.
49. No. LF090110-41 - Acknowledge update from Human Relations Commission.
50. Acknowledge the update regarding status of application fee refund to Melody Acres residents.
51. No. CC080210-04 – Approve recommendation for a 311 service with the funding coming from Council Contingency.
52. Acknowledge discussion on changing references of 2012 Fund to Vision Fund.
53. No. LF090110-40 – Acknowledge report on City cell phones.
54. No. LF090110-04 – Acknowledge Capital Improvements Program Committee monthly update for August 2010.
55. No. LF090110-05 – Approve the Capital Plan for Streets, Drainage and MIP Projects for August 2010.
56. No. LF090110-06 – Approve Resolution Adopting the Five Year Plan for the Rapid City Civic Improvement and Economic Development Fund.
57. No. LF090110-07 – Approve Resolution of Intent to Enter Into Lease with Downtown Business Improvement District Board.
58. No. LF090110-39 – Acknowledge Opportunity Capture Fund Report.
59. No. 10TP022 – Authorize Mayor and Finance Officer to sign the 2010 Unified Planning Work Program Amendment 2010-02.
60. No. LF090110-08 – Authorize Mayor and Finance Officer to sign State of South Dakota Agreement/Letter of Agreement with the South Dakota Department of Environment and Natural Resources.
61. Acknowledge the following volunteers for workmen's compensation purposes: Doug Andrews, John Williams.
62. No. LF090110-09 – Authorize Mayor and Finance Officer to sign loan documents with Pioneer Bank & Trust to refinance the Meadowbrook cart barn loan currently held with PAJO Properties, LLC in the approximate amount of \$119,000.
63. No. LF090110-12 – Approve Resolution No. 2010-111 Declaring Property Surplus.

64. No. LF090110-13 – Approve Resolution (2010-114) Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.
65. No. LF090110-15 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients –Rapid City First United Methodist Church as Well as the Indenture of Restrictive Covenants.
66. No. LF090110-16 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients –Western South Dakota Community Action as well as the Indenture of Restrictive Covenants.
67. No. LF090110-19 – Authorize acceptance of a Recreational Trails Program Grant from the South Dakota Game, Fish & Parks Office in the amount of \$200,000 to be used for the Rapid City Deadwood Drainage Trail Development Project.
68. No. LF090110-20 – Authorize Mayor and Finance Officer to sign Healthways Provider Agreement with American Healthways Services, Inc.
69. No. LF090110-21 – Approve Airport Road H Lot.
70. No. LF081110-03A – Authorize Mayor and Finance Officer to sign Agreement with THF Realty to remove a portion of the proposed WalMart property from the Agreement Waiving the Right to Protest.
71. No. LF090110-30 – Approve request from Ken Gray, d/b/a Goofy Moose for 2010 ice cream vending license.
72. No. LF090110-31 – Acknowledge raffle request from Zonta Club of the Black Hills.
73. No. LF090110-32 – Acknowledge raffle request from Festival of Trees.
74. No. LF090110-33 – Acknowledge raffle request from Sons of Norway.

Growth Management Department Consent Items

75. No. 10RD001 – Approve a request by City of Rapid City for a **Resolution for Road Name Change renaming a portion of Eglin Street to North Creek Drive** on that portion of Eglin Street lying adjacent to Lot A, B and C in Menard Subdivision, the Balance of Tract B in the NW1/4, NE1/4, Less Lot H2, Section 32, T2N, R8E, Platted, the Railroad Right-of-Way, Lot 3 in Carefree Subdivision, Lot 1 and 2, Less Lot H1 in Carefree Subdivision all in the N1/2, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Century Road and the Interstate 90 Interchange, west of Dyess Avenue and north of East Anamosa Street.
76. No. 10RD002 – Approve a request by City of Rapid City for a **Resolution for Road Name Change naming the unnamed right-of-way to Eglin Street** the previously unnamed portion of Lot PE1 of Lot “X” in the SE ¼, Section 29, T2N, R8E, and the right-of-way Lot H1 lying adjacent to Lots 1 and 2, in Carefree Subdivision, in the NE¼ of Section 32, T2N, R8E, and the Vacated Section Line Highway Adjacent to Lot “X”, and Lots 1 and 2, Carefree Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and Interstate 90 Interchange.

END OF CONSENT CALENDAR

CONTINUED CONSENT ITEMS – Items 77 – 85Remove Items from the “Continued Consent Items” and Vote on Remaining Continued Consent Items***Continue the following items until September 20, 2010:***

77. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.
78. No. 10PL028 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.
79. No. 10PL032 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Preliminary Plat** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Tower Road and north of Skyline Ranch Road.
80. No. 10PL033 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Preliminary Plat** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
81. No. 10PL037 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Seminole Lane.
82. No. 10PL041 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
83. No. 10PL050 - A request by Davis Engineering, Inc. for a **Preliminary Plat** on Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located east of Reservoir Road and on the south side of Long View Road.

84. No. 10PL052 - A request by Britton Engineering and Land Surveying, Inc. for Marty Eisenbraun for a **Layout Plat** on Tracts A and B of Eisenbraun Subdivision, located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the NE1/4 and the SW1/4 of the NE1/4 less the East 54.4 feet located in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located 1/2 mile east of Reservoir Road and 1/4 mile south of Southside Drive.
85. No. 10PL054 - A request by Duane Brink for a **Layout Plat** on Lots 1R and 2 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 23299 South Airport Road.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 86 - 119

Public Comment opened – Items 86 – 119

Public Comment closed

Ordinances

86. No. LF090110-10 – First Reading, Ordinance 5637, An Ordinance Regarding Supplemental Appropriation #4 for 2010.
87. No. LF090110-11 – First Reading, Ordinance 5661, An Ordinance Annual Appropriation Ordinance for FY 2011.
88. No. LF090110-22 – First Reading, Ordinance No. 5662, An Ordinance to Allow the Rapid City Common Council to Hear Appeals from the International Building Code Board of Appeals by Amending Section 15.12.310 of the Rapid City Municipal Code.
89. No. LF090110-23 – First Reading, Ordinance No. 5663, An Ordinance to Allow the Rapid City Common Council to Hear Appeals from the International Residential Code Board of Appeals by Amending Section 15.12.310 of the Rapid City Municipal Code.
90. No. LF090110-24 – First Reading, Ordinance No. 5664, An Ordinance to Allow the Rapid City Common Council to Hear Appeals from the International Property Maintenance Code Board of Appeals by Amending Section 15.12.310 of the Rapid City Municipal Code.
91. No. LF090110-25 – First Reading, Ordinance No. 5665, An Ordinance to Allow the Rapid City Common Council to Hear Appeals from the International Existing Building Code Board of Appeals by Amending Section 15.12.310 of the Rapid City Municipal Code.
92. No. LF090110-26 – First Reading, Ordinance No. 5666, An Ordinance to Remove the Permit Exemption for Replacement of Like Roofing Materials by Amending Section 15.13.030 of the Rapid City Municipal Code.
93. No. LF090110-27 – First Reading, Ordinance No. 5667, An Ordinance to Provide Standard Methods to Adjust Sewer Bills Based on Usage by Amending Section 13.08.370(C) of the Rapid City Municipal Code.

94. No. LF081110-18 – Second Reading, Ordinance No. 5639, An Ordinance to Add Streets as a Permissible Expenditure from the Utility Support Fund by Amending Section 3.16.060 of the Rapid City Municipal Code.
95. No. LF081110-19 – Second Reading, Ordinance No. 5640, An Ordinance to Add Information Technology Infrastructure as a Permissible Use of Capital Improvement Funds by Amending Subsection 3.16.060(D) of the Rapid City Municipal Code.
96. No. 10OA003 – Second Reading, Ordinance No. 5638, An Ordinance Amending the Criteria for Microcell Wireless Communications Facilities Allowed on the Top of Existing Buildings and Allowing Variances through the Zoning Board of Adjustment by Amending Section 17.50.400A of the Rapid City Municipal Code.

Growth Management Department Items

97. No. 10PL042 - A request by Sperlich Consulting, Inc. for Century Resources, Inc. for a **Preliminary Plat** on Lot 5 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the current eastern terminus of East Anamosa Street.
98. No. 10PL049 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 and 2 of Tract B of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1521 Luna Avenue.
99. No. 10PL051 - A request by Fisk Land Surveying & Consulting Engineers for Randy Long for a **Preliminary Plat** on Lots 12R1 and 14R1 of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 12R,13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 14130 and 14125 Double Eagle Court.
100. No. 10PL055 - A request by City of Rapid City for a **Preliminary Plat** on Lots 1, 2 and 3 of Fish Hatchery Subdivision formerly portions of Lot F-2 and Lot R Revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot F-2 and Lot R revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Cleghorn Springs State Fish Hatchery southwest of the intersection of Jackson Boulevard and Chapel Lane.

Legal & Finance Committee Items

101. No. LF090110-03 – Request the Mayor appoint a new 11 member Sign Task Force consisting of City Council members, the outdoor advertising industry, and citizens not related to the sign industry to review and recommend long term solutions to the sign code with a sunset date of February 1, 2011, and to impose a moratorium on all new and replacement off-premise sign applications and/or approvals until such time that this task force presents an acceptable solution to the Rapid City Common Council for approval.
102. No. CC080210-06 – Change the Travel Policy so the City Council as a whole votes on any travel over \$500.

103. No. LF090110-28 – Authorize Mayor and Finance Officer to sign Amendment to the Contract for Private Development Tax Increment District Number Thirty Five between Doyle Estes and the City of Rapid City.
104. No. LF090110-29 – Authorize Mayor and Finance Officer to sign Third Revised Contract for Private Development Tax Increment District Number Thirty-Six Between DTH, LLC and the City of Rapid City.
105. No. LF090110-34 – Authorize Mayor and Finance Officer to sign Second Amendment to Agreement Between the City of Rapid City and DTH, LLC Regarding the Project Responsibilities and Project Cash Flow for the Construction of a Water Reservoir and Water Booster Station for Tax Increment District 34 Rainbow Ridge.
106. No. LF090110-35 – Authorize Mayor and Finance Officer to sign Fourth Amendment to the Contract for Private Development Tax Increment District No. 54.

Public Works Committee Items

107. No. CC090710-04 - Memorandum of Understanding with Destination Rapid City
108. No. 10FV010 - Approve a request for a **Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback** on Lot D of Lot 10 of Block 1 of Chapel Valley Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4519 Steamboat Circle.
109. No. 10FV011 - Approve with Stipulations a request for a **Fence Height Exception to allow a maximum 16 foot fence in lieu of an 8 foot fence in the General Commercial Zoning District** on a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 134.82 feet, and the point of beginning; Thence first course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 233.03 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence third course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence fourth course: S72°01'35"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence fifth course: S77°25'15"E a distance of 217.74 feet; Thence sixth course: N27°30'18"E, a distance of 281.17 feet, to a point on the westerly edge of Fifth Street right-of-way, common to a point on the northerly boundary of Lot 1 of Block 2 of Fifth Street Office Plaza; Thence seventh course: S62°29'41"E, along the westerly edge of said Fifth Street right-of-way, common to the northerly boundary of said Lot 1 of Block 2, a distance of 279.03 feet, to the northeasterly corner of said Lot 1 of Block 2; Thence eighth course: S62°29'05"E, along the westerly edge of said Fifth Street right-of-way, a distance of 134.83 feet; Thence ninth course: curving to the right, along the westerly edge of said Fifth Street right-of-way, on a curve with a radius of 909.00 feet, a delta angle of 14°12'45", a length of 225.48 feet, a chord bearing of S55°23'16"E, and chord distance of 224.91 feet; Thence tenth course: S42°58'26"W, along the westerly edge of said Fifth Street right-of-way, a distance of 12.00 feet; Thence eleventh course: S42°54'18"W, a distance of 296.40feet; Thence twelfth course: S45°50'37"E, a distance of 81.18 feet; Thence thirteenth course: S00°18'52"W, a

distance of 297.86 feet, to a point on the northerly edge of Stumer Road right-of-way; Thence fourteenth course: curving to the left, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 430.50 feet, a delta angle of 12°59'30", a length of 97.62 feet, a chord bearing of S53°34'37"W, and chord distance of 97.41 feet; Thence fifteenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 43°15'37", a length of 278.99 feet, a chord bearing of S68°41'45"W, and chord distance of 272.41 feet; Thence sixteenth course: N89°40'48"W, along the northerly edge of said Stumer Road right-of-way, a distance of 730.69 feet; Thence seventeenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 30°00'38", a length of 193.54 feet, a chord bearing of N74°39'10"W, and chord distance of 191.33 feet; Thence eighteenth course: N59°42'02"W, along the northerly edge of said Stumer Road right-of-way, a distance of 351.37 feet; Thence nineteenth course: N12°34'45"E, a distance of 728.41 feet, to the point of beginning, more generally described as being located at Stumer Road and Black Hills Boulevard. Motion carried unanimously.

- 110. No. PW083110-37 – Casino buffer zones for Residential Neighborhoods.
- 111. No. PW083110-38 – Amendment to Ordinance 2.60.160 (E) and (F) and Related City Policies to Require Sign Posting and Notices for Comprehensive Plan Amendments.

Bids

- 112. No. CC090710-02.1 – 2011 Truck Specifications (Patrol Truck) (Opened on August 24, 2010)
- 113. No. CC090710-02.2 – 2011 Police Car Specifications (3 Ford Police Interceptors) (Opened on August 24, 2010)
- 114. No. CC090710-02.3 – Cliff Drive Sanitary Sewer Extension Project No. SS08-1830/CIP No. 50778 (Opened August 31, 2010)
- 115. No. CC090710-02.4 – Parkview Drive Storm Inlet Construction Project No. DR10-1847/CIP No. 50787 (Opened August 31, 2010)
- 116. No. CC090710-02.5 – Water Reclamation Spoil Pile Removal Project No. WRF10-1891/CIP No. 50825 (Opened August 31, 2010)
- 117. No. CC090710-02.6 – Well No. 10 Pump Replacement Project No. W10-1889/CIP No. 50831 (Opened August 31, 2010)
- 118. No. CC090710-02.7 – Mt. View and Mt. Calvary Cemeteries Irrigation System Phase 3 Project No. PR09-6010 (Opened September 1, 2010)

Mayor's Items

Council Items & Liaison Reports

Reconsideration Notices

Motion for Delivery of Items from Committee

Staff Items

119. No. CC090710-03 – Vision 2012 Update

Appeals

DARB

License application appeals

Sign Code Appeals

Other Appeals Heard by the Council

CIP Committee Items

PUBLIC HEARING ITEMS – Items 120 – 128

Open Public Hearing (comment) -- Items 120 – 128

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 120 – 125

Remove Items from the “Continued Public Hearing Consent Items” and Vote on Remaining Continued Public Hearing Consent Items

Continue the following items until September 20, 2010:

120. No. 10SV007 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.
121. No. 10SV008 - A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.
122. No. 10SV009 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4,

Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, located west of Tower Road and north of Skyline Ranch Road.

123. No. 10SV010 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
124. No. 10SV014 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
125. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on the St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Close Public Hearing (comment) -- Items 120 – 128

CONSENT PUBLIC HEARING ITEMS – Items 126 – 128

Remove Items from the "Consent Public Hearing Items" and Vote on Remaining Consent Items

Growth Management Items (None)

Alcohol Licenses (None)

Assessment Rolls (None)

Other Items Requiring Public Hearings (None)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 126 – 128

126. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk and additional pavement along Double Eagle Court as they abut Lots 12R, 13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 14130 and 14125 Double Eagle Court. (10SV015)
127. No. 10SV015 - A request by Fisk Land Surveying & Consulting Engineers for Randy Long for a **Variance to the Subdivision Regulations to waive the requirement to provide sidewalk, to reduce the pavement width from 90 feet to 69.5 feet and to reduce the right-of-way width from 110 feet to 100 feet along Double Eagle Court as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 12R1 and 14R1 of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 12R, 13R and 14R of Village on the Green No. 2 Subdivision, located in Section 12, T1S, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 14130 and 14125 Double Eagle Court.
128. No. 10SV016 - A request by City of Rapid City for a **Variance to the Subdivision Regulations to waive the requirement to provide a sidewalk along the north side of Jackson Boulevard, to waive the requirement to install water along a portion of Jackson Boulevard, to waive the requirement to install sewer and to dedicate additional right-of-way along Jackson Boulevard, to reduce the width of the access easements from 59 feet to 24 feet and 25 feet respectively, to waive the requirement to construct a 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer along the 24 foot wide access easement, to reduce the pavement width of the 25 foot wide access easement from 26 feet to 25 feet and to waive the requirement to construct curb, gutter, sidewalk, street light conduit, water and sewer along the 25 foot wide access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Fish Hatchery Subdivision formerly portions of Lot F-2 and Lot R Revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot F-2 and Lot R revised of Fish Hatchery Subdivision, located in the S1/2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Cleghorn Springs State Fish Hatchery southwest of the intersection of Jackson Boulevard and Chapel Lane.

BILLS

129. No. CC090710-01 – Bill List for September 7, 2010

EXECUTIVE SESSION for the purposes permitted by SDCL 1-25-2

STAFF DIRECTION**ADJOURN**