

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 15, 2006

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, May 15, 2006 at 7:00 P.M.

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

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

APPROVE MINUTES

Okrepkie moved, second by Chapman and carried to approve the minutes of May 1, 2006.

ADOPTION OF THE AGENDA

The following items were added to the agenda:

- Authorize staff to advertise for bids for the Soo San Drive box culvert project.
- Award an informal quote for a sanitary sewer holding tank and associated pipe installation for the Brookfield development in the amount of \$10,727.64.
- Executive session to discuss pending litigation, contractual and personnel matters.
- Canyon Lake Park update, Alderman Johnson
- ADA, Alderman Schumacher

Okrepkie moved, second by Hadcock and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

Mayor Shaw presented the Veteran of the Month for April and May 2006 to Gary Smither and Ron Cook and recognized their efforts and dedication to the service of their country.

Mayor Shaw presented Certificates of Recognition to the following employees and acknowledged their years of service to the City: Fire Chief Gary Shepherd, 30 years; Galen Huebner, 30 years with the Fire & Emergency Services Department; and Administrative Assistant Jeri Lynn Taten, 20 years.

On behalf of the City of Rapid City, Public Works Director Dirk Jablonski accepted the 2005 SD ACPA Award of Excellence.

GENERAL PUBLIC COMMENT

Bob Schurger, 3600 Sheridan Lake Road indicated that his concerns are about the truck traffic along Sheridan Lake Road and the ordinance amendment relative to dynamic braking devices. He pointed out that the City has an ordinance addressing excessive vehicle noise emissions. He asked the Council not to modify the existing ordinance.

Steven Brenden, Rapid City extended his appreciation to the Council for the recent Smart Growth seminar.

Tim Collins, Rapid City extended his appreciation to the Council for their work and effort.

Mr. Beaumont, Rapid City Youth Soccer reported that the South Dakota State Tournament will be held in Rapid City on June 2 – 5, 2006; extended an invitation to the Council to attend a professional soccer game, June 3, 2006 at 7:30 p.m. at Sioux Park Stadium; and invited Mayor Shaw to do the opening coin toss for that game.

PUBLIC HEARINGS

The Mayor announced that the meeting was open for consideration of No. PW041106-15, a Resolution Levying Assessment for Centre Street Sewer Main Extension Project No. SS00-940 whereupon Olson moved to open the public hearing. Second by Okrepkie and carried. Notice of hearing was mailed to the affected property owners on May 5, 2006, and published in the Rapid City Journal on May 8, 2006. No oral objections to the assessment roll were voiced. Olson moved, second by Okrepkie and carried to close the public hearing. The following Resolution was introduced, read and Olson moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
CENTRE STREET SEWER MAIN EXTENSION
PROJECT NO. SS00-940

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the eight inch sanitary sewer main is the amount stated in the proposed assessment roll.
2. The assessment roll for SS00-940, Centre Street Sanitary Sewer Extension is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 15th day of May, 2006.

THE CITY OF RAPID CITY

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

s/ Jim Shaw, Mayor

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

The Mayor presented No. 06FV003, a request by Paul G. Laughhunn to consider an application for a **Fence Height Exception** to allow an eight foot high fence in lieu of a six foot high fence on Lot 11 of Block 4, South Robbinsdale Addition No. 2, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 435 E. Idaho Street. Olson moved, second by Hadcock and carried to approve the Fence Height Exception with the following stipulations: 1. A building permit shall be obtained for all fences over 6 feet in height; and, 2. An eight foot high fence shall be constructed only along the south property line and transition from eight feet in height to six feet in height within the first five feet of the southeast and southwest corners of the proposed fence.

The Mayor presented No. 06CA010, a request by Sperlich Consulting for Black Hills Health and Wellness Center for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial** on Lots 21 thru 22 of Block 9, Flormann Addition, located in the NW1/4 SE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 716 Fairview Street. Olson moved, second by Chapman to deny. Kale McNoboe, Sperlich Consulting indicated the applicant's intent to expand their current building within the existing planned commercial development. He indicated that what is needed is more parking for the facility. McNoboe outlined the details of the project to expand the parking. Steven Brenden, Rapid City indicated his concern with increased traffic and its impact on the residential neighborhoods. Curt Pochardt, 1314 7th Street spoke against the zoning change to General Commercial. Alderman Olson believed this zoning change will affect the quality of life in this neighborhood. Responding to a question from Alderman Johnson, Growth Management Director Elkins explained that there is no proposal to amend the comprehensive plan with a planned development. Elkins indicated the issue is the encroachment of commercial into the neighborhood.

Substitute motion was made by Hadcock, second by Okrepkie to approve No. 06CA010, a request by Sperlich Consulting for Black Hills Health and Wellness Center for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial**. In response to a question from Alderman Hurlbut about an Office Commercial designation, Elkins indicated that a parking lot is allowed under the designation; but the difficulty is that there is no designated Office Commercial in this area and this raises the issue of spot zoning. Alderman Hurlbut offered support for an overlay.

Second substitute motion was made by Kooiker, second by Hurlbut to refer No. 06CA010, a request by Sperlich Consulting for Black Hills Health and Wellness Center for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use**

designation from Residential to General Commercial to the Planning Commission for additional discussion regarding Office Commercial and other alternative commercial zoning designations and a planned commercial development. City Attorney Green advised that it is not appropriate to refer this item back to the Planning Commission, as the Council is required to take recommendation that the Planning Commission has recommended and pass judgement on that recommendation. The Chair ruled the second substitute motion out of order.

Second substitute motion was made by Kooiker, second by Hurlbut to deny without prejudice. Elkins responding to a question from Alderman Johnson, advised that the Council take action on the comprehensive plan amendment and continue the rezoning ordinance to allow the applicant to submit the PDD. With the consent of the Council, Alderman Kooiker withdrew the second substitute motion.

Second substitute motion was made by Kooiker, second by Johnson to continue No. 06CA010, a request by Sperlich Consulting for Black Hills Health and Wellness Center for an **Amendment to the Comprehensive Plan by revising the Future Land Use Plan to change the land use designation from Residential to General Commercial** to the June 5, 2006 Council meeting, requesting the applicant to bring forward a PDD. Upon a vote being taken, motion carried with Hurlbut voting NO.

The Mayor presented No. 06PD017, **An appeal of the Planning Commission's decision** on a request by DGM Development and Echo Development for a **Planned Residential Development - Initial Development Plan** on Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 500 feet north of Country Road and adjacent to the west side of Haines Avenue. Olson moved, second by Okrepkie to approve 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 maximum overall density of 2,250 square feet per townhome lot shall be allowed; 4. A minimum open space of 600 square feet per townhome lot shall be provided; 5. 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; 6. Upon submittal of a Final Residential Development Plan application, a complete landscaping plan shall be submitted for review and approval identifying specific plant material. In particular, the landscaping plan shall comply with all requirements of the Zoning Ordinance; 7. Upon submittal of a Final Residential Development Plan application, a complete sign package shall be submitted for review and approval; 8. Upon submittal of a Final Residential Development Plan application, a complete lighting package identifying the design of the proposed lighting shall be submitted for review and approval. In particular, the light package shall show street lights within the median along Pearl Boulevard . In addition, the lighting shall be designed to be reflected within the property boundaries so as not to shine onto adjoining properties and to not be a hazard to the passing motorist or constitute a nuisance of any kind; 9. Upon submittal of a Final Residential Development Plan application, the location and size of the dumpsters shall be submitted for review and approval. In addition, the dumpsters shall be screened; 10. Upon submittal of a Final Residential Development Plan application, complete elevations showing all sides of the building(s) and any proposed deck(s) shall be submitted for review and approval. In addition, a list of building materials shall be submitted for review and approval; 11. Upon submittal of a Final Residential Development Plan application, the location, size and noise rating of any

exterior air handling equipment shall be submitted for review and approval. In addition, the equipment shall be screened from all adjacent properties, including rooftop facilities; 12. Upon submittal of a Final Residential Development Plan application, construction plans for the bike/walk trail shall be submitted for review and approval; 13. Prior to submittal of a Final Residential Development plan, the site plan shall be revised to show Roberta Drive extended to the north lot line of the subject property; 14. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In particular, on-site fire hydrants shall be provided as needed. In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. The proposed structure(s) shall be fully fire sprinkled and fire alarmed as per the 2003 International Fire Code; 15. All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of the Final Residential Development Plan application or a subsequent Major Amendment; and, 16. The Planned Residential Development shall allow for the construction of 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. Marshall Goodman, DGM Development explained that they construct affordable housing in the form of townhouses; the market group is between the ages of 22 – 30; and fifty percent are young women with careers; and the remaining fifty percent is divided between young men and young couples. Goodman indicated that upkeep, maintenance and landscaping are the responsibility of the association. Steve Brenden, Rapid City indicated his opposition to this project suggesting there is little or no green space, and inadequate parking. Gene Carsten, Dolphin Lane was of the opinion that townhouses are rented, not purchased; and suggested his neighborhood was not appropriate for townhouses. Terrell Adams, owner indicated that surrounding properties have developed and his property taxes have increased. He believed his development would be a good neighborhood, and positive. Elkins responding to a question from Alderman Hurlbut explained that additional water information will be required to be submitted. Responding to a question from Alderman Kooiker Elkins indicated that the green space is concentrated along the western edge of the property, and the walking path that surrounds the property. Fire Chief Shepherd indicated that 1,000 gallons per minute at 20 PSI is the standard for fire hydrants.

Amendment to the motion was offered by Kooiker to add a stipulation “that prior to Certificates of Occupancy being issued, that adequate fire flows be demonstrated per the Rapid City Fire Department.” Second by Olson. Upon a vote being taken on the amendment, motion carried.

Dan Hodack, Dolphin Lane was of the opinion that the development was not reasonable, and pointed out that his neighborhood is single-family homes. Hodcak asked the Council to deny the request. Jay Stoltenburg, Dolphin Lane indicated his opposition to the development and concern about increased traffic. Responding to a question from Alderman Kroeger, Elkins indicated a height limitation of three stories. Alderman Hadcock indicated her concern about the infrastructure of this area. Question was called by Alderman Kooiker, there being no objection a vote was taken on the motion as amended to approve. Motion carried.

The Mayor presented No. 06SV015, a request by DGM Development and Echo Development for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk and street light conduit along the access easements and to waive the requirement to install sidewalk and street light conduit along Pearl Boulevard as per**

Chapter 16.16 of the Rapid City Municipal Code on Lots 1 thru 190 Madison's Subdivision, formerly Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 500 feet north of Country Road and adjacent to the west side of Haines Avenue. Olson moved, second by Okrepkie that the Variance to the Subdivision Regulations to waive the requirement to install street light conduit along Pearl Boulevard be denied; that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the access easements and Pearl Boulevard be approved with the following stipulation: 1. Upon submittal of a Preliminary Plat application, the applicant shall submit construction plans showing a minimum eight foot wide bike/walk trail along the perimeter of the development as proposed; and, that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit along the access easements be approved. Aldermen Kooiker and Chapman indicated their concerns about waiving the requirement of installing sidewalks. Elkins outlined the areas being required to have sidewalks in this development. Responding to a concern from Alderman Kooiker about ADA accessibility, Elkins indicated the walking path provides full accessibility, and keeps vehicular and pedestrian traffic separated. Steven Brenden, Rapid City indicated that sidewalks along Pearl Boulevard are important to enable visitors to access visitor parking conveniently and safely. Goodman indicated that Pearl Boulevard is designed similar to West Boulevard with trees.

Amendment was offered by Kooiker to require a sidewalk in the boulevard area of Pearl Boulevard. Second by Hadley. Alderman Olson questioned whether this requirement detracted from the green space in the boulevard, and noted that there is a walkway surrounding the development. Alderman Kooiker indicated that there is a difference between accessibility for those individuals with disabilities and walking areas. Upon a roll call vote on the amendment, the following voted AYE: Schumacher, Hadley, and Kooiker; NO: Olson, Okrepkie, Johnson, Kroeger, Hurlbut, and Chapman. Amendment failed.

Upon a roll call vote to approve with stipulations, the following voted AYE: Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, and Chapman; NO: Hadley, Kooiker, and Schumacher.

At 9:39 P.M. the Chair recessed the meeting; and reconvened at 10:00 P.M.

Olson moved, second by Johnson and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, and street light conduit along U.S. Highway 16 as it abuts to the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. (06SV019)

The Mayor presented No. 06SV019, a request by City of Rapid City for a **Variance to the Subdivision Regulations to Waive the Requirement to install curb, gutter, sidewalk and street light conduit along U.S. Highway 16 and to allow platting of half of the Right-of-Way along the section line highway** on Lots 4 and 5, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on South Highway 16A and Promise Drive. Olson moved, second by Schumacher and carried to approve the Variance with

the following stipulations: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Olson moved, second by Johnson and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as they abut a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota. (06SV020)

The Mayor presented No. 06SV020, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street and to waive the requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on North Elk Vale Road and Eglin Street. Olson moved, second by Johnson and carried that the Variance to the Subdivision Regulations to Waive the Requirements to install, curb, gutter, sidewalk, street light conduit, and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code be approved with the following stipulation: Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements along Elk Vale Road as it abuts the subject property; and that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Eglin Street be denied without prejudice.

The Mayor presented No. 06SV021, a request by Davis Engineering, Inc. for a **Variance to the Subdivision Regulations to allow 60 dwelling units in lieu of 40 dwelling units with one point of access** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to Long View Road between Colvin Street and Romel Drive. Olson moved, second by Johnson to deny. Steve Brenden, Rapid City offered his support for the denial of the request. Tina Mulally, Longview Road indicated her opposition to the Murphy Ranch Estates development; noted that several of her neighbors have sold their homes because of their objections to the development; and offered support for the denial of the request. Upon a vote being taken on the motion to deny, motion carried.

The Mayor presented No. 06SV022, a request by Sperlich Consulting, Inc. for Signature Development for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 49 feet to 20 feet and to waive the requirement 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 1 thru 7 of Block 1; and Lots 1 thru 14 of Block 2 of the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota,

legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and east of the intersection of Catron Boulevard and Golden Eagle Drive. Olson moved, second by Okrepkie that the Variance to the Subdivision Regulations to waive the requirement to reduce the right-of-way width from 45 feet to 20 feet and to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the 20 foot wide access easement be denied; that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 be denied; that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Golden Eagle Drive as it extends south from the subject property to Catron Boulevard (off-site) be approved; and, that the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Golden Eagle Drive as it extends south from the subject property to Catron Boulevard be approved. Elkins noted that there will be a dry sewer within the development; and that there will be sidewalks within the development, but not off-site of the development. Kale McNoboe, Sperlich Consulting outlined the improvements of the development; pointed out a paved surfaced that would terminate at a steep slope; and indicated the willingness of the applicant to sign a waiver of right to protest to pave that section of roadway. Steve Brenden, Rapid City noted his agreement with the Planning Commission, and indicated his concern about extending sanitary sewer service to the development. In response to a question from Alderman Hadcock, Elkins outlined the details of the installation of the septic systems; indicated there will be a lift station required in the future; and indicated that sanitary sewer service is being extended to an apartment complex in the area, but additional development will need to occur to extend the service to the property under consideration. Elkins, responding to a question from Alderman Johnson, suggested that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 be approved with the stipulation that prior to final plat approval a waiver of right to protest be signed.

Amendment was offered by Johnson, second by Hadcock. that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Golden Eagle Drive as it abuts the south lot line of Lot 1, Block 2 be approved with the stipulation that prior to final plat approval a waiver of right to protest be signed. Upon a vote being taken on the amendment, amendment carried.

Upon a vote being taken on the motion as amended, motion carried.

LEGAL & FINANCE COMMITTEE ITEMS

Chapman moved, second by Hurlbut and carried to adopt a policy to establish a process for revising approved Tax Increment District Project Plans.

Chapman moved, second by Hurlbut and carried to (No. LF051006-21), request staff to place the proposed process for revising approved Tax Increment District Project Plans on the work product list to be sent to the Municipal League for revision consideration in the South Dakota codified laws.

Hadcock moved, second by Johnson and carried to (No. LF051006-17), authorize staff to advertise Request for Proposals for the Basin Electric Intertie Study Area

Chapman moved, second by Okrepkie to authorize the Mayor and Finance Officer to Sign Contract for Private Development between the City of Rapid City and DTH, LLC for Tax Increment District No. 54. Upon a vote being taken, the Chair declared the motion failed. Johnson moved, second by Hurlbut and carried to reconsider. Chapman moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer to Sign Contract for Private Development between the City of Rapid City and DTH, LLC for Tax Increment District No. 54.

PUBLIC WORKS COMMITTEE ITEMS

Olson moved, second by Schumacher and carried to (No. PW050906-02), request Public Works and Growth Management staff to review the current landscape ordinance, taking into consideration xeriscape and rain interrupter sensors; and report back to the Public Works Committee in 60 days.

Olson moved, second by Okrepkie to request staff, after reviewing the ordinance, to bring preliminary recommendations to the Water Task Force in 30 days to allow the Task Force to review and provide input prior to reporting back to the Public Works Committee. Alderman Olson indicated that information will be brought forward on the status of water levels in Pactola, and water conservation measures within the City. Alderman Schumacher indicated the information will be used when there is a more critical stage in the water levels. Motion carried with Johnson voting NO.

Olson moved, second by Okrepkie to Authorize the Mayor and Finance Officer to sign Amendment No. 1 to the Professional Services Agreement with enVision Design, Inc. for the Civic Center Expansion Project No. IDP06-1555 for an amount not to exceed \$218,900.00. Upon a roll call vote, the following voted AYE: Olson, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Hadley; NO: Kooiker and Schumacher. Motion carried.

Linda Anderson, Director and Fred Thurston gave a brief (No. PW050906-16) presentation of the schematic design for Dahl Fine Arts Center expansion project. Thurston indicated the existing structures of the Dahl and MDU will be retained, and in-fill building is designed between the Dahl and MDU. This will serve as the main entrance to upgraded and expanded gallery spaces, event space, a multi-purpose room, support spaces such as catering, retail space, education space, expanded spaces for collections and arts support, storage, community room, and administrative offices. Thurston indicated that only fifty percent of the schematic design is complete, and refinements and adjustments must be made. Anderson reminded the members that they are counting on the 2012 monies; but that they have other funding sources, such as donor money and grant money, and additional fund raising. Responding to a question from Alderman Okrepkie about earmarking funds for the performing arts, Anderson indicated that the donors will need to decide if their pledge is to be contributed to the performing arts. Anderson asked the Council to direct staff to negotiate the architectural contract for the project, and bring the contract forward for approval; whereupon Johnson moved, second by Chapman to approve. Motion carried.

Olson moved, second by Okrepkie to acknowledge the (No. PW050906-13) planning report for Skyline, Terracita, Southwest, Carriage Hills and future southwest Rapid City water service zones, Project No. W03-953, CETEC Engineering Services, Inc.

Olson moved, second by Hadcock and carried to (No. PW050906-14), approve awarding an informal quote for a 4 x 4 utility vehicle for the Water Reclamation Division to Four Season's Sports in the amount of \$10,666.00.

ORDINANCES & RESOLUTIONS

Ordinance No. 5155 (No. 06RZ008), a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the property described by metes and bounds beginning at the west ¼ corner of Section 28, T2N, R8E, BHM, a found rebar and cap. Thence east along the east-west ¼ line a distance of 1050.14 Feet to the true point of beginning; Thence S00°05'52"E a distance of 400.02 Feet; Thence N89°53'17"E a distance of 1533.64 Feet; Thence N89°54'10"E a distance of 69.68 Feet; Thence N00°02'14"W a distance of 395.87 Feet to the center of Section 28, a found rebar and cap; Thence N89°57'47"W a distance of 1603.74 feet to the point of beginning. Containing 14.65 acres more or less, located at the northeast corner of the intersection of Dyess Avenue and Interstate 90 and at the eastern terminus of Mall Drive was introduced. Upon a motion made by Chapman, second by Olson and carried, Ordinance No. 5155 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 5, 2006 at 7:00 P.M.

Ordinance No. 5156 (No. 06RZ011), a request by Bill Freytag for a **Rezoning from No Use District to Medium Density Residential District** on the unplatted portion of the S1/2 S1/2 W1/2 SW1/4, less 33 foot strip of land located along the west and south boundary lying within the Rapid City Corporate boundary, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the western terminus of Country Road West was introduced. Upon a motion made by Chapman, second by Hurlbut and carried, Ordinance No. 5156 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 5, 2006 at 7:00 P.M.

Ordinance No. 5149 (No. LF041206-12), Amending Section 10.20.120 of the Rapid City Municipal Code Which Completely Prohibits the Use of Dynamic Brake Devices Within the City of Rapid City to Only Prohibiting Such on Vehicles that are Unmuffled having passed first reading on May 1, 2006, it was moved by Chapman, second by Johnson that the title be read the second time. The following voted AYE: Schumacher, Hadley, Okrepkie, Johnson, Kroeger, Hadcock, Hurlbut, Chapman, and Kooiker; NO: Olson; whereupon the Mayor declared the motion passed and Ordinance No. 5149 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 06RZ009, second reading of **Ordinance No. 5152**, a request by Sperlich Consulting for Black Hills Health and Wellness Center for a **Rezoning from Medium Density Residential to General Commercial** on Lots 21 thru 22 of Block 9, Flormann Addition, located in the NW1/4 SE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 716 Fairview Street. Chapman moved, second by Hadcock to continue to June 5, 2006 Council meeting, requesting the applicant to bring forward a PDD. Motion carried.

CONTINUED ITEMS CONSENT CALENDAR – Items 29-48

The following continued items were removed from the consent calendar:

36. No. 06PL028 - A request by Davis Engineering, Inc. for Bernita White for a Preliminary Plat located adjacent to the south west curve of North Airport Road.
41. No. 06PL049 - A request by Davis Engineering, Inc. for a Preliminary Plat located adjacent to Long View Road between Colvin Street and Romel Drive.
48. No. 06SV017 - A request by Davis Engineering for Bernita White for a Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code located adjacent to the southwest curve of North Airport Road.

Johnson moved, second by Chapman and carried to continue the items as indicated.

Continue the following items until June 5, 2006:

29. No. 05CA018 - A request by City of Rapid City for an **Amendment to the Comprehensive Plan amending the Major Street Plan by eliminating and realigning several collector and arterial roads** located in Sections 23, 24, 25, 26, 34, 35 and 36 in T1N, R7E, BHM, Pennington County, South Dakota, and Sections 19, 29, 30, 31 and 32, T1N, R8E, BHM, Pennington County, South Dakota, and Sections 1, 2, 3, 11 and 12, T1S, R7E, BHM, Pennington County, South Dakota, and Sections 5, 6, 7, 8, 17 and 18, T1S, R8E, BHM, Pennington County, South Dakota, located south of Minnesota Street, north of Spring Creek Road, east of US Highway 16 and west of SD Highway 79.
30. No. 05PL159 - A request by Britton Engineering for Prairiefire Investments, LLC for a **Preliminary Plat** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4 less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located at the western terminus of Mondo Street.
31. No. 05SV060 - A request by Britton Engineering & Land Surveying for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install sewer, curb, gutter, sidewalk, streetlight conduit; and dedicate additional right-of-way; and allow platting one half of a right-of-way** on Lots 1 and 2, Block 4, Prairiefire Subdivision, located in NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 NE1/4, less the Eisenbraun Subdivision, Winton Subdivision and less the E54.4' for Anderson Road Right-of-Way, all located in the NE1/4, Section 26, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the western terminus of Mondo Street.
32. No. 05SV061 - A request by Britton Engineering for Prairiefire Investments, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11-14, Block 1; Lots 4-11, Block 2; Lots 5-8, Block 3; Lots 3-8, Block 4; Prairiefire Subdivision, located in the NE1/4, Section 26, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of NE1/4 NE1/4, less a portion of Lot 8 and all of Lot 9 of Eisenbraun Subdivision less Winton Subdivision; all of

SE1/4 NE1/4 less Eisenbraun Subdivision, less Winton Subdivision and less right-of-way; all in Section 26, T1N, R8E, BHM, Pennington County, South Dakota, located at the western terminus of Mondo Street.

33. No. 06PL003 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 10 thru 21 of Block 2; Lots 2 thru 8 of Block 9; Lots 1 thru 4 of Block 13 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the NW1/4 of the NW1/4 of Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Dunsmore Road.
34. No. 06PL011 - A request by D.C. Scott Surveyors, Inc., for William Morrison for a **Preliminary Plat** on Lots 1, 2 and 3 of Morrison Subdivision (formerly Parcel B of Lot 3), located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to the north side of Green Valley Drive and east of Reservoir Road.
35. No. 06PL025 - A request by Wyss Associates, Inc. for Canyon Springs, LLC for a **Preliminary Plat** on Lots 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, located adjacent to the west side of Nemo Road.
37. No. 06PL040 - A request by Fisk Land Surveying for Tom Pitman for a **Layout and Preliminary Plat** on Lots 1 and 2, Pitman Subdivision, formerly all of Lot 5, less the east 25 feet, located in the NW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5, less the east 25 feet, located in the NW1/4 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7919 Spring Canyon Trail.
38. No. 06PL046 - A request by Boschee Engineering for Dr. Don Oliver for a **Layout Plat** on Lots 1 thru 6, Oliver Subdivision, formerly the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, legally described as the NE1/4 SE1/4, Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located at 23657 Wilderness Canyon Road.
39. No. 06PL047 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Tracts A and B of Lot 1, New Park Subdivision; Tracts F, G and H of McMahon Subdivision; located in the NW1/4 SW1/4 and the NE1/4 SW1/4, Section 24 T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a tract of land located in the NE1/4 SW1/4, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows; Beginning at the southwest corner of Tract D of found rebar and cap this being the true point of beginning; Thence S00°58'28"E a distance of 928.44 feet to an angle point; Thence S86°46'02"E a distance of 824.85 feet to an angle point; Thence N00°10'09"E a distance of 929.35 feet to a found rebar and

cap; Thence N89°49'51" a distance of 819.76 feet to the point of beginning. Said Tract of land containing 17.54 acres more or less, located west of Haines Avenue and south of Kathryn Avenue.

40. No. 06PL048 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 and 2 of block 1, LaGrand Subdivision, located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the SE1/4, Section 28, and the NE1/4, Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on North Elk Vale Road and Eglin Street.
42. No. 06PL050 - A request by Sperlich Consulting, Inc. for Signature Development for a **Preliminary Plat** on Lots 1 thru 7 of Block 1; and Lots 1 thru 14 of Block 2 of the Villaggio at Golden Eagle, formerly a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 NW1/4 SE1/4, Section 22, located in the E1/2 NW1/4 SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north and east of the intersection of Catron Boulevard and Golden Eagle Drive.
43. No. 06RZ010 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Del Solano for the Rapid City Columbian Club, Inc. for a **Rezoning from High Density Residential to Office Commercial** on a parcel of land located in Block 126 of the Original Townsite of Rapid City, located in the NW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as follows: Beginning at the northwest corner of said Block 126, of the Original townsite of Rapid City, said point of being coincident with the northwest corner of Lots 16 of Block 126 and also coincident with the south right-of-way of Columbus Street, said point being marked by a mag nail in asphalt; Thence, southeasterly along the north edge of Block 126 and along the south right-of-way of Columbus Street and along the north line of Lots 16, 15, 14, 13, 12, 11, 10 and the west five feet of Lot 9, S77°34'35"E, a distance of 180.17 feet more or less to the northwest corner of the alley adjoining the west five feet of Lot 9 of Block 126, said point being marked by a mag nail in asphalt; Thence, southwesterly along the easterly line of the west five feet of said Lot 9 of Block 126 and along the westerly edge of the alley right-of-way, S12°32'24"W, a distance of 159.82 feet, more or less to the southwest corner of the intersecting alleys in Block 126, said point being located on the north line of Lot 24 of said Block 126, and said point being marked by a rebar with a survey cap "LS 7719"; Thence, continuing southwesterly in said Lot 24 of Block 126, S12°40'28"W, a distance of 9.00 feet, more or less, to a point marked by rebar with survey cap "LS 7719"; Thence, northwesterly through Lots 24, 23, 22, 21, 20, 19, 18 and 17 of Block 126, N77°36'11"W, a distance of 180.18 feet, more or less to a point on the westerly line of Lot 17 of Block 126, said point being coincident with the easterly line of Fifth Street right-of-way, and said point being marked by a mag nail in asphalt; Thence, northeasterly along the westerly line of Block 126 and along the westerly line of Lot 17, along the westerly line of the vacated alley in Block 126 and along the westerly line of Lot 16 of Block 126, and coincident with the easterly edge of Fifth Street right-of-way, N12°33'06"E, a distance of 168.90 feet, more or less to the point of beginning. Said parcel contains 0.70 acres, more or less, located at 910 Fifth Street.

44. No. 06SV004 - A request by D.C. Scott Surveyors, Inc., for William Morrison for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to waive the requirement to dedicate a ten foot wide planting screen easement as per Chapter 16.16 of the Rapid City Municipal Code** on Parcel B of Lot 3, located in the SW1/4 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to the north side of Green Valley Drive and east of Reservoir Road.
45. No. 06SV011 - A request by Wyss Associates, Inc. for Canyon Springs, LLC for a **Variance to the Subdivision Regulations to waive the requirement 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 1 thru 87, Block 1; Lot 1, Block 2, Canyon Springs Preserve, less Lot 1 of Firehouse Subdivision and the "Nemo" Road right-of-way, formerly the unplatted portion of the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26, T2N, R6E, BHM, Pennington County, South Dakota, legally described as a tract of land located in the S1/2 SE1/4 and NE1/4 SE1/4 of Section 22; SW1/4 of Section 23; and the NW1/4 NW1/4 of Section 26; T2N, R6E, BHM, Pennington County, South Dakota, located adjacent to the west side of Nemo Road.
46. No. 06SV012 - A request by Sperlich Consulting, Inc. for Sharon Norman for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along Old Folsom Road, the Section Line Highway(s), the collector street and Norman Ranch Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 4A, 4B and 5R of Judicial Lot 4; and Lots 6 thru 17, Norman Ranch Subdivision, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lots 4 and 5 of Judicial Lot 4 of Norman Ranch Subdivision; the N1/2 SW1/4; the NW1/4 SE1/4 lying southwest of Old Folsom Road less the south 99 feet of NW1/4 SE1/4; the N1/2 N1/2 SE1/4 SW1/4; the W1/2 SW1/4 SW1/4; the N1/2 NE1/4 SW1/4 SW1/4; the west 220 feet of the S1/2 NE1/4 SW1/4 SW1/4; and the west 220 feet of SE1/4 SW1/4 SW1/4; all located in Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Highway 79 and Old Folsom Road.
47. No. 06SV014 - A request by Fisk Land Surveying for Tom Pitman for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit and sewer, and to reduce the pavement width from 27 feet to 21.5 feet along Spring Canyon Trail as per Chapter 16 of the Rapid City Municipal Code as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Pitman Subdivision, formerly all of Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5, less the east 25 feet, located in the NW/14 NE1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7919 Spring Canyon Trail.

End of Continued Items Consent Calendar

The Mayor presented No. 06PL028, a request by Davis Engineering, Inc. for Bernita White for a **Preliminary Plat** on Lots A1 and A2 of Bar P-S Subdivision, located in the W1/2 SW1/4,

formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, located adjacent to the south west curve of North Airport Road; and No. 06SV017, a request by Davis Engineering for Bernita White for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalk, street light conduit, water and sewer along Airport Road and Aviation Road as it abuts the subject property as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A1 and A2 of Bar P-S Subdivision, formerly Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, legally described as Lot A of Bar P-S Subdivision, located in the W1/2 SW1/4, Section 20, T1N, R9E, BHM, Pennington County, South Dakota, located adjacent to the southwest curve of North Airport Road. Ron Davis, Davis Engineering, Inc. indicated his agreement with approving the Preliminary Plat with stipulations, but asked for the approval of the Variance to waive the requirement to install pavement along Aviation Road. Davis also indicated that they would consider putting a non-access easement along the south-side of the property, until such time as the property is developed and the City petitioned to vacate the easement. Merle Stromer, South Airport Road indicated that Aviation Road is used little, and agreed that the road should be developed when the property is developed commercially. Elkins, responding to questions from Alderman Johnson, explained that the waiver of right to protest is not effective until such time as the property is within the City limits; and a non-access easement is some protection. Hadcock moved, second by Schumacher to continue the Preliminary Plat and Variance to the June 5, 2006 Council meeting to allow the applicant to bring back a waiver of right to protest for Aviation Road and Airport Road, and the non-access easement. Motion carried.

Johnson moved, second by Okrepkie and carried to continue No. 06PL049, a request by Davis Engineering, Inc. for a **Preliminary Plat** on Lots 2 thru 6 of Block 2; Lots 15 of Block 4; and, Lots 1, Lots 14 and 15 of Block 5, formerly a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4, Section 14, T1N, R8E, Less Murphy Subdivision and less Murphy Ranch Estates and less Right-of-way, located in the NE1/4 NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to Long View Road between Colvin Street and Romel Drive to the June 5, 2006 Council meeting.

CONSENT CALENDAR ITEMS – 49-93

The following items were removed from the Consent Calendar:

51. Request the Mayor to appoint a task force committee to review all levels of Code Enforcement.
61. No. PW050906-12 Adopt the Water System Expansion East Rapid City, Project No. W03-1288 report submitted by FMG, Inc.
63. No. 06SE003 Deny an Exception to the Street Design Criteria Manual as requested by Brian Gonzales for Century Development Co. located at 1400 Philadelphia Street.
71. No. LF042606-06 Direct staff to begin the process for developing the Silver Street Overlay Zoning District located north of the Executive Golf Course, south of Oriole Drive, east of Wood Street and west of Interstate 190.

86. No. LF042606-17 Authorize the Mayor to Sign an application request letter for a revolving line of credit in the amount of \$3,000,000.00 for a term of 5 years from Fannie Mae Community Express Program to be used as a loan fund for the development of affordable housing.
91. No. 06PL029 - A request by Dream Design International, Inc. for a Layout Plat located south of the intersection of Tartan Court and Catron Boulevard.
92. No. 06PL042 - A request by DGM Development and Echo Development for a Layout Plat located 500 feet north of Country Road and adjacent to the west side of Haines Avenue.

Johnson moved, second by Chapman and carried to approve the following items as they appear on the Consent Calendar.

Set for Hearing (June 19, 2006)

49. No. 06VR003 - A request by Richard O. Stahl for a **Vacation of Right-of-Way** on South Street Right-of-way lying adjacent to Lots 2A and 3A of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of South Street and West Street.

Public Works Committee Consent Items

50. No. PW050906-01 Approve an Exception to the Street Design Criteria Manual to allow a 30-foot driveway at 2926 Stockade Drive, Steve Kalkman.
52. No. PW050906-03 Approve a Resolution regarding Rapid Valley wastewater discharge.

RESOLUTION ADOPTING A POLICY WHEREBY CITY OF RAPID CITY
WILL TREAT WASTEWATER COLLECTED AND PRODUCED BY RAPID
VALLEY SANITARY DISTRICT AND RETURN IT TO RAPID CREEK

WHEREAS, the Rapid Valley Sanitary District, hereinafter referred to as RVSD, currently collects waste water and sends it to the City of Rapid City trunk sewer outfall and to the City Water Reclamation Facility located on Rapid Creek, east of the City; and

WHEREAS, the City currently treats the above-described wastewater collected and produced by RVSD and returns said wastewater to Rapid Creek; and

WHEREAS, the Rapid City Common Council is in agreement with and deems it in the best interest of the City to continue its discharge of the sewer outflow as above-described.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that it shall, after treating the wastewater collected and produced by RVSD, continually return said wastewater to Rapid Creek at the Water Reclamation Facility outfall in accordance with its standard procedures.

Dated this 15th day of May, 2006.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

53. No. PW050906-04 Authorize staff to advertise for bids for a Roll-Off Truck for the Water Reclamation Division.
54. No. PW050906-05 Authorize staff to advertise for bids for a Sewer Camera for the Water Reclamation Division.
55. No. PW050906-06 Authorize staff to advertise for bids for Lemmon Avenue Reconstruction Phase III – Project No. ST05-1438; CIP #50120.
56. No. PW050906-07 Authorize the Mayor and Finance Officer to sign a License Agreement No. 041306 with Dakota Minnesota & Eastern Railroad Corporation near MP 100.86, 25 feet south of centerline of tracks across Mt. View Road, Rapid City, SD for a one-time fee of \$750.00.
57. No. PW050906-08 Authorize the Mayor and Finance Officer to sign an Agreement to Share Sanitary Sewer and Water Main Construction and Engineering Costs for Project No. SSW06-1564 with Palo Verde Improvement, LLC; City share is estimated at \$48,000.
58. No. PW050906-09 Authorize the Mayor and Finance Officer to sign a Covenant Agreement with SPF Properties, LLC regarding the construction of lift station to serve the Freeland Meadows Project.
59. No. PW050906-10 Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with FMG, Inc. for Canyon Lake Drive and Soo San Drive 14" Water Main Project No. W06-1562; CIP # 50598 for an amount not to exceed \$238,751.00.
60. No. PW050906-11 Authorize staff to seek proposals for lawn care and snow removal for the City/School Administration Center, the Milo Barber Center and the Rapid City Public Library.
62. No. 06SE004 Approve an **Exception to the Street Design Criteria Manual** as requested by Boschee Engineering to reduce the non-access easement from 50 feet to 40 feet on Winterset Drive on Lot 1A, Block 5, Stoney Creek Subdivision, Phase I, located in the W1/2 NW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5225 Bendt Drive.

Legal & Finance Committee Consent Items

64. No. LF051006-01 Approve a Travel Request for Andrew Summers to attend Specialty Munitions Instructor Course in Loveland, CO, June 26-30, 2006, in an approximate amount of \$2,138.94.
65. No. LF051006-02 Approve an Event Permit for South Dakota Professional Towers Associations to hold parade on June 2, 2006.
66. No. LF051006-03 Approve an Event Permit for Rapid City YMCA to hold annual street dance on August 4, 2006.
67. No. LF051006-04 Approve an Event Permit for Rapid City Convention & Visitors Bureau to designate the north side of Main Street between 5th Street and 8th Street as free motorcycle parking only from the dates of August 6-11, 2006, with the condition that the final plan be approved by the Police Chief or his designee.
68. No. LF051006-22 Approve the purchase of a 2007 Chevrolet Tahoe from State Contract No. 22649 in the amount of \$33,094, for use by the Mayor.
69. No. LF051006-18 Authorize staff to apply for and accept the Paul Coverdell Forensic Science Improvement Grant in the amount of \$93,854.50.
70. No. LF051006-05 Authorize the Mayor and Finance Officer to sign 2005 ODP Equipment Grant Program, Pennington County, Equipment Transfer Agreement.

72. No. 05TI005 Approve a **Resolution Approving A Reallocation of Project Costs for the Second Revised Tax Increment District Number Forty One - 5th Street** for petitioner Dream Design International on Government Lot 1 & 2 less Lot H1 in the SW1/4NW1/4 and Lot 1 of North 80 Subdivision, all located in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A Revised of N1/2 GL 4 and adjacent Parkview Drive right-of-way, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, all of Eastridge Estates Subdivision and Stumer Road and Enchantment Road rights-of-way adjacent to Eastridge Estates Subdivision, the unplatted balance of N1/2NW1/4, the unplatted balance of SW1/4NW1/4, the unplatted balance of the SE1/4NW1/4, and the unplatted balance of the NE1/4, and all of Enchanted Pines Road right-of-way and 5th Street right of-way, and Lot 2, Block 1, 5th Street Office Plaza, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, the SW1/4SW1/4SE1/4, N1/2SW1/4SE1/4, the Unplatted Balance of the E1/2NW1/4SE1/4, the Unplatted balance of the W1/4NW1/4SE1/4, the 100 foot dedicated 5th Street Right-of-way lying adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4, the platted 60 foot Minnesota Street Right-of-way adjacent to Lot 1 of Block 1, Terracita Park Subdivision as shown on Plat 30 Page 109, the platted 80 foot Minnesota Street Right-of-way as shown on Plat 29 Page 117 adjacent to Lot 19 of Block 6, Robbinsdale Addition No. 10 located in the NW1/4SE1/4 and adjacent to the Unplatted balance of the E1/2NW1/4SE1/4 and adjacent to Tract B, and all of 5th Street right-of-way, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and dedicated ROW, Block 11, Robbinsdale Addition No. 10, Lot 1 and adjacent Parkview Drive right-of-way, Block 11, Robbinsdale #10, and Lots 2-6, Block 1, Terracita Park Subdivision, and Lot 20, Block 6, Robbinsdale #10, all located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., more generally described as being located at Fifth Street north of Catron Boulevard, east of US Highway 16 and west of SD Highway 79.

RESOLUTION APPROVING A REALLOCATION OF PROJECT COSTS
FOR THE SECOND REVISED TAX INCREMENT DISTRICT
NUMBER FORTY ONE – 5TH STREET

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, there has been established Second Revised Tax Increment District #41 – 5th Street; and

WHEREAS, the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the Revised Project Plan reallocates funds between project costs previously established in the approved Project Plan; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS, there has been developed a Third Revised Project Plan for this Tax Increment District which proposes this improvement; and

WHEREAS, the Council has considered the Third Revised Project Plan submitted and determined that the Third Revised Project Plan for the Second Revised Tax Increment District #41 – 5th Street is economically feasible; and

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Third Revised Tax Increment District Project Plan for the Second Revised Tax Increment District #41 – 5th Street be approved as attached hereto and incorporated herein.

Dated this 15th day of May, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 73. No. 05TI012 Approve a **Revised Tax Increment District No. 55 Project Plan** for petitioner Dream Design International on Lot 1, Mailloux Subdivision; Government Lot 4; the unplatted balance of the SE1/4 SW1/4 and the unplatted balance of the S1/2 SE1/4 all located in Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; NE1/4 NW1/4 Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 7R, Madisons Subdivision; Outlots A, B and C and all of Block 6 of Auburn Hills Subdivision and the Auburn Drive right of way lying adjacent to said lots; NE1/4 SE1/4; S1/2 SE1/4; SE1/4 SW1/4 less Lot 7R, Madisons Subdivision; N1/2 SW1/4 SW1/4; NW1/4 SW1/4; SW1/4 NW1/4; all located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located extending from the western boundary of Auburn Hills Subdivision, along Country Road to 143rd Avenue.

RESOLUTION APPROVING THE REVISED PROJECT PLAN FOR
TAX INCREMENT DISTRICT NUMBER FIFTY-FIVE

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS there has been established Tax Increment District Number Fifty-Five; and

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS the Revised Project Plan submitted helps make this development feasible by assisting in the development of public improvements to serve Freeland Meadows Subdivision and other adjacent areas of development; and

WHEREAS the Revised Project Plan submitted will assist with the costs of a lift station, gravity sewer and water mains; and

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS there has been developed a Revised Project Plan for this Tax Increment District which proposes this improvement; and

WHEREAS the Council has considered the Revised Project Plan and determined that the Revised Project Plan for Tax Increment District Fifty-Five is economically feasible; and

WHEREAS the Council has further determined that this Revised Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Revised Tax Increment District Project Plan for Tax Increment District Number Fifty-five be, and is hereby, approved.

Dated this 15th day of May, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

74. No. LF051006-19 Authorize the Mayor and Finance Officer to sign Amendment #1 to State of **South Dakota Historical Preservation Allocation Award** between State Historical Preservation Office, Office of History and Rapid City Historic Preservation Commission Project SD-05-21 changing the completion date from May 30, 2006, to August 30, 2006.
75. No. 05CA051 Approve a request to correct the **Resolution Amending the Comprehensive Plan** of the City of Rapid City approved in January 16, 2006.
76. No. LF051006-06 Approve an additional amount of \$1,050 to the Agreement with Virginia Wood Nelson for training on harassment (this amount is for additional training sessions).
77. No. LF051006-07 Approve a Travel Request for Tracy Davis, Jim Preston, Connie Ewing, Jason Green, Karie Price, Cathy Druckrey, and Robin Bommersbach to attend South Dakota Governmental Finance Officers' School and South Dakota Human Resource Association School in Watertown, SD, June 14-16, 2006, in an approximate amount of \$2,722.
78. No. LF051006-08 Approve a Resolution to Amend City of Rapid City's Section 125 Flex Plan by Adding Section 6.8.

RESOLUTION TO AMEND CITY OF RAPID CITY'S SECTION
125 FLEX BENEFIT PLAN BY ADDING SECTION 6.8

WHEREAS, the City of Rapid City's Flexible Benefit Plan, Section 125, was adopted February 1, 1993; and

WHEREAS, an amendment to the federal HIPAA Security Regulations with regard to electronic data has been enacted and became effective on April 20, 2006; and

WHEREAS, an amendment to the City's Flexible Benefit Plan is in the best interests of the City in order to ensure compliance with the newly effective federal HIPAA Security Regulations; and

WHEREAS, all other terms and provisions of the City of Rapid City's Flexible Benefit Plan, Section 125, shall remain unaltered and in effect.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Section 6.8 entitled "Safeguarding Electronic Protected Health Information" is hereby added to the City's Flexible Benefit Plan, Section 125, to read follows:

6.8 Safeguarding Electronic Protected Health Information. To the extent and when and as required by HIPAA or other applicable federal or state law and regulations promulgated thereunder, the Sponsor, by adopting this Plan, agrees to:

(a) Implement Administrative, Physical and Technical Safeguards that reasonably and appropriately protect the Confidentiality, Integrity, and Availability of the electronic Protected Health Information that it creates, receives, maintains or transmits on behalf of the Plan;

(b) Ensure that the adequate separation required by 45 CFR Section 164.504 (f) (2) (iii) is supported by reasonable and appropriate security measures;

(c) Ensure that any agent, including a subcontractor, to whom it provides electronic Protected Health Information, agrees to implement reasonable and appropriate Security Measures to protect the information;

(d) Report to the Plan any Security Incident of which it becomes aware; and

(e) The following definitions shall apply to the capitalized terms used in this Section 6.8:

(1) The term "Administrative Safeguards" means administrative actions, and policies and procedures, to manage the selection, development, implementation, and maintenance of security measures to protect electronic protected health information and to manage the conduct of the covered entity's workforce in relation to the protection of that information.

(2) The term "Availability" means the property that data or information is accessible and useable upon demand by an authorized person.

(3) The term "Confidentiality" means the property that data or information is not made available or disclosed to unauthorized persons or processes.

(4) The term "Integrity" means the property that data or information have not been altered or destroyed in an unauthorized manner.

(5) The term "Physical Safeguards" means physical measures, policies, and procedures to protect a covered entity's electronic information systems and related buildings and equipment, from natural and environmental hazards, and unauthorized intrusion.

(6) The term "Security" or "Security Measures" encompass all of the administrative, physical and technical safeguards in an information system.

(7) The term "Security Incident" means the attempted or successful unauthorized access, use, disclosure, modification, or destruction of information or interference with system operations in an information system.

(8) The term "Technical Safeguards" means the technology and the policy and procedures for its use that protect electronic protected health information and control access to it.

Dated this 15th day of May, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

79. No. LF051006-09 Authorize the Mayor and Finance Officer to sign Amendment with Terry Rathbun in an amount not to exceed \$1,500 to assist with negotiations on additional property.
80. No. LF051006-20 Authorize the Mayor and Finance Officer to sign Memorandum of Understanding with the AFSCME Union regarding hours of work for the golf course clerk.
81. No. LF051006-10 Authorize the Mayor and Finance Officer to sign a Preventive Maintenance Agreement with Dakota Business Center for a Sharp copy machine to be located at the Meadowbrook Golf Course.
82. No. LF051006-11 Acknowledge raffle request for Borgund Lodge 1-532 (Sons of Norway) to hold raffle.
83. No. LF051006-12 Approve a request from Donnie Patton, d/b/a Mr. Frosty, for two (2) vending licenses for 2006.
84. No. LF051006-13 Authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and the Rapid Valley Volunteer Fire Department.
85. No. LF051006-14A Authorize the Mayor and Finance Officer to sign Contract for Private Development Tax Increment District Number Fifty-Five Between SPF Properties, LLC and the City of Rapid City, South Dakota.
87. No. LF051006-15 Authorize the Mayor and Finance Officer to sign Sub-Recipient Contract for Community Development Block Grant funding between the City of Rapid City and Black Hills Area Habitat for Humanity for an amount not to exceed \$84,000.

88. Approve the following licenses: Sewer and Water Journeyman License: Robert Frease.

Growth Management Department Consent Items

89. No. 04PL185 - A request by Black Hills Surveying for a **Preliminary Plat** on Lots 4 and 5 of Owen Hibbard Subdivision, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, legally described as the unplatted portion of Tract A of Tract 1, all located in the W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, located at the intersection of Promise Road and Golden Eagle Drive. (APPROVE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1. The unimproved section line highway (Promise Road) located along the western property line shall be constructed with a minimum 76 foot right-of-way and a 40 foot wide paved surface with curb, gutter and sidewalk or a Variance to the Subdivision Regulations shall be obtained; 2. Golden Eagle Drive shall be constructed with a minimum 52 foot wide right-of-way and a 27 foot paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Subdivision Variance shall be obtained; 3. U.S. Highway 16 shall be constructed with a minimum 100 foot wide right-of-way and 36 foot wide paved surface with curb, gutter, sidewalk, street light conduit, sewer and water or a Subdivision Variance shall be obtained; 4. Prior to Final Plat approval, the plat document title shall be revised to delete "Preliminary Plat of." In addition, the existing dedicated right-of-way widths shall be shown on the plat document along with all section line highways; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to include the west half of the section line highway (located along the west lot line) or a Subdivision Variance shall be obtained; 6. All Subdivision Inspection fees shall be paid prior to approval of any construction plans or initiation of construction; and, 7. Prior to Final Plat approval, surety shall be posted for the design and construction of all required public improvements that have not been completed or installed.)
90. No. 06AN001 - A request by Dream Design International, Inc. for a **Petition for Annexation** on a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Tartan Court and Catron Boulevard. (APPROVE PETITION FOR ANNEXATION contingent on any payment due to the Whispering Pines Fire Protection District being paid by the City of Rapid City)

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be annexed and thereby included within the corporate limits of the City.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 160 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

a portion of the N1/2 NE1/4 SE1/4; and the NW1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Dated this 15th day of May, 2006.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

93. No. 06PL045 - A request by Sperlich Consulting, Inc. for Gordon Howie for a **Preliminary Plat** on Lots J and K of Lot 12, Plateau Subdivision, formerly the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the west 165 feet of the east 331.2 feet of Lot 12, Plateau Subdivision, located in the SW1/4 NE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 4753 Carol Street. (PRELIMINARY PLAT DENIED WITHOUT PREJUDICE AT APPLICANT'S REQUEST.)

END OF CONSENT CALENDAR

Alderman Schumacher pointed out that recent discussions about Code Enforcement could impact the budget process. Schumacher moved, second by Olson to request the Mayor to appoint a task force committee to review all levels of Code Enforcement. Alderman Hadcock indicated that she did not support a new division in Code Enforcement. She believed the existing Code Enforcement needed help and suggestions on what to do better. Alderman Johnson suggested the Council should decide whether to increase the enforcement. Alderman Kooiker indicated the purpose of the motion is to ask a Task Force to look at the structure of Code Enforcement, and the best way to move forward to make Code Enforcement the most efficient operation possible. Alderman Olson indicated that this is an opportunity to look at the current procedures, and to determine if the City could implement code enforcement in better ways.

Alderman Johnson recommended a task force review only the procedures and enforcement by the Code Enforcement office; whereupon a substitute motion was made by Kroeger, second by Olson to approve. Motion carried.

Johnson moved, second by Hadcock and carried to (No. PW050906-12) adopt the Water System Expansion East Rapid City, Project No. W03-1288 report submitted by FMG, Inc.

The Mayor presented No. 06SE003, an **Exception to the Street Design Criteria Manual** as requested by Brian Gonzales for Century Development Co. to allow 96 dwelling units in lieu of 40 dwelling units with one point of access on the north 327.2 feet of the N1/2 SE1/4 lying west of Interstate 90 Right-of-Way, excepting there from the W1/2 NW1/4 SE1/4, and less North Boulevard Addition, located in the unplatted (9779), Section 35, T2N, R7E, BHM, Rapid City,

Pennington County, South Dakota, more generally described as being located at 1400 Philadelphia Street. Chapman moved, second by Schumacher and carried to acknowledge the applicant's withdrawal the request.

Hadcock moved, second by Chapman to (No. LF042606-06), direct staff to begin the process for developing the Silver Street Overlay Zoning District located north of Omaha Street, south of Interstate 90, and west to the ridgeline. Motion carried.

Kroeger moved, second by Okrepkie to (No. LF042606-17), authorize the Mayor to Sign an application request letter for a revolving line of credit in the amount of \$3,000,000.00 for a term of 5 years from Fannie Mae Community Express Program to be used as a loan fund for the development of affordable housing. City Attorney Green indicated that not all questions have been resolved in regard to how this can be structured so as not to adversely affect the City's bonding capacity; however, it is workable as is evident with other communities in South Dakota that have done this. Green indicated that he is reasonably confident that those issues can be addressed in a way that will allow the City to move forward. Green pointed out that this action does not commit the City, and Council action would be required on the specific terms offered by Fannie Mae. Motion carried.

The Mayor presented No. 06PL029, a request by Dream Design International, Inc. for a **Layout Plat** on Lot 1, Block 1; Lots 1 thru 29, Block 2; Lots 1 thru 29, Block 3; Lots 1 thru 13, Block 4; Lots 1 thru 27, Block 5; Lots 1 thru 6, Block 6; Lots 1 thru 22, Block 7; Lots 1 thru 26, Block 8; Lots 1 thru 16, Block 9; Lots 1 thru 8, Block 10; Lots 1 thru 27, Block 11; Lots 1 thru 13, Block 12; Lots 1 thru 16, Block 13; Lots 1 thru 6, Block 14; Lots 1 thru 14, Block 15; Lots 1 thru 14, Block 16; Lot 1, Block 17; Lot 1, Block 18; Lots 1 thru 22, Block 19; Lots 1 thru 6, Block 20, Lots 1 thru 21, Block 21; and Tracts 1 thru 10 of South Terrace Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in the NE1/4 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4, SE1/4 SE1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Tartan Court and Catron Boulevard. Kroeger moved, second by Okrepkie to approve the Layout Plat with the following stipulations: 1. Prior to Layout Plat approval by the City Council, a Comprehensive Plan Amendment to the Major Street Plan eliminating the minor arterial street and relocating a collector street as they extend through the subject property, respectively, shall be approved as proposed and/or the plat document shall be revised accordingly. In addition, if the proposed Comprehensive Plan Amendment is approved, the plat document shall be revised to provide a collector street along the east lot line of the subject property or the proposed Comprehensive Plan Amendment shall be revised to relocate the collector street approximately 150 feet west of its current proposed location. In addition, the adjacent property owner shall concur with the relocation of the collector street; 2. Prior to submittal of a Preliminary Plat application, the plat document shall be revised eliminating the western approach to Catron Boulevard. In addition, the plat document shall be revised to provide a second access street to the development or an Exception to allow 768 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, Approach Permit(s) shall be obtained from the South Dakota Department of Transportation. In addition, acceleration and turning lane(s) shall be provided along Catron Boulevard as determined by the South Dakota Department of Transportation; 4. Upon submittal of a Preliminary Plat application, a traffic impact study shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In

addition, the geotechnical report shall include soils resistivity tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided; 6. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 7. Upon submittal of a Preliminary Plat application, a drainage plan addressing the design of all drainage components shall be submitted for review and approval. In particular, the drainage plan shall incorporate the local or regional facilities needed in order to detain flows to pre-developed flow rates. In addition, the drainage plan shall include calculations demonstrating that discharge from any project facilities shall result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided. The plat document shall also be revised to provide drainage easements as necessary; 8. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval; 9. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the sewer plans shall address the issue of where and how this project shall connect to the City of Rapid City Sanitary sewer system. The plat document shall also be revised to provide utility easements as needed; 10. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall identify the source and demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 11. Upon submittal of a Preliminary Plat application, road construction plans for the section line highways located along the north and south lot lines shall be submitted for review and approval. In particular, the road construction plans shall show the section line highways constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way; 12. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the east lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. The adjacent property owner(s) shall sign the petition(s) to vacate the section line highway or a Variance to the Subdivision Regulations shall be obtained to allow half a right-of-way. If the proposed Comprehensive Plan Amendment to the Major Street Plan is approved showing a collector street along the east lot line than the construction plans for the section line highway shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 13. Upon submittal of a Preliminary Plat, the plat document shall be revised to show the east-west collector street in its current location as per the Major Street Plan or the proposed Comprehensive Plan Amendment to the Major Street Plan shall be approved relocating the collector street approximately 800 feet south of its current location. In addition, road construction

plans for the east-west collector street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 14. Upon submittal of a Preliminary Plat application, road construction plans for the minor arterial street shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 100 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan eliminating the minor arterial street shall be obtained; 15. Upon submittal of a Preliminary Plat application, road construction plans for the collector street(s) shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 76 foot wide right-of-way and constructed with a minimum 40 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or a Comprehensive Plan Amendment to the Major Street Plan eliminating and/or relocating the collector streets shall be obtained; 16. Upon submittal of a Preliminary Plat application, road construction plans for the sub-collector streets, or those streets serving more than twenty lots, shall be submitted for review and approval. In particular, the streets shall be located in a minimum 52 foot right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 17. Upon submittal of a Preliminary Plat, road construction plans for the lane place streets, or those street serving not more than twenty lots, shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 18. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the construction plans shall identify the construction of a permanent turnaround at the end of the cul-de-sacs with a minimum 110 foot diameter right-of-way and a minimum 92 foot diameter paved surface or a Variance to the Subdivision Regulations shall be obtained; 19. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met; 20. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 21. Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 22. Prior to Preliminary Plat approval by the City Council, the property shall be annexed into the City limits of Rapid City; 23. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along the minor arterial street or a Variance to the Subdivision Regulations shall be obtained or the proposed Comprehensive Plan Amendment to the Major Street Plan shall be approved eliminating the minor arterial street from the subject property; 24. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in

compliance with the Street Design Criteria Manual; 25. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 26. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 27. The greenway areas shall not be disturbed, prior to Preliminary Plat approval (including the drainage and grading plan) by the Planning Commission; and, 28. The Plat document shall be revised to show an east-west arterial street extending from the east lot line to the proposed north-south collector street or a Comprehensive Plan Amendment to the Major Street Plan eliminating and/or relocating this portion of the arterial street shall be obtained.

Pat Hahn, Regency Court indicated that she concurred that this property is appropriate for low density, single family, residential development. She indicated her concerns about the Layout Plat suggesting it overwhelms the topography; is not consistent with the surrounding neighborhood; and increases traffic. Hahn reported that the SDDOT has no intent of granting a second access to this development. Hahn indicated that the streets, driveways and cul-de-sacs will have an impact on drainage. She suggested that by allowing a change in the section-line road will increase the density. Hahn suggested that the concentration of small lots and small homes into a compact area brings blight to the neighbors to the west. Hahn asked the Council to deny the request. Steven Brenden, Rapid City indicated his concern with the density of the development and reminded the members that this is a recharge area. Hani Shafai, Dream Design International indicated that a request was made before the Planning Commission to continue to allow the applicant to address some of the concerns that were raised by the property owners.

At 12:06 A.M. Alderman Kooiker left the meeting.

Shafai pointed out that the original layout plat had more lots and the Future Land Use Plan adopted for the area allows 4.8 dwelling units per acre. With the aid of an overhead, Shafai outlined the different aspects of this development. Shafai explained that the developer continues to work with the SDDOT regarding the second access to the development. He also explained that an environmental assessment was done, that included an evaluation of wetlands. He indicated that all the drainage design will comply with the City's regulations in the Drainage Criteria Manual. In response to concerns from Alderman Hadcock about drainage, water and sewer; Shafai explained that the development will be served by the Terracita water service area and the sewer extension along Catron Blvd. to the proposed Wal-Mart site. Growth Management Director Elkins indicated that the applicant must submit drainage and grading plan for staff review and Planning Commission approval.

Upon a vote being taken on the motion to approve with stipulations, motion carried.

The Mayor presented No. 06PL042, a request by DGM Development and Echo Development for a **Layout Plat** on Lots 1 thru 190 Madison's Subdivision, formerly Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 10 & 11 of Madison's Subdivision, located in the SE1/4 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 500 feet north of Country Road and adjacent to the west side of Haines Avenue. Kroeger moved, second by Johnson to approve the Layout Plat with the following stipulations:

1. An Exception is hereby granted to waive the requirement to provide visitor parking at a ratio of one space per unit located within 300 feet of the unit with the stipulation that a minimum of 57 visitor parking spaces be provided along Pearl Boulevard and within the common area; 2. An Exception is hereby granted to reduce separation between driveways from 35 feet to five feet with the stipulation that no on-street parking be allowed along the access easements; 3. An Exception is hereby granted to allow the access easements to serve ten lots in lieu of four lots as per the Street Design Criteria Manual with the exception of Roberta Drive and Pearl Boulevard which shall be dedicated as right-of-way; 4. Prior to submittal of a Preliminary Plat application, an Initial and Final Planned Residential Development shall be submitted for review and approval to allow a 190 townhome lot development on the subject property or the plat document shall be revised to meet the minimum lot size requirement of 4,000 square foot per townhome lot; 5. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show Roberta Drive extending to the north lot line of the subject property; 6. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity tests for review and approval. If results of the soils resistivity test indicate severe potential towards corrosion of buried metal products, then information shall be provided demonstrating that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protection as needed for buried water system metal fixtures shall be provided; 7. Upon submittal of a Preliminary Plat application, a grading plan and an erosion and sediment control plan for all improved areas shall be submitted for review and approval; 8. Upon submittal of a Preliminary Plat application, a drainage plan designed in accordance with the Haines Avenue Drainage Basin Plan shall be submitted for review and approval. In particular, the drainage plan shall include calculations demonstrating that discharge from any site facilities will result in net drainage basin run-off not exceeding pre-development flow rates or local detention facilities shall be provided or expanded as necessary. In addition, the plat document shall provide drainage easements as needed; 9. Upon submittal of a Preliminary Plat application, a utility master plan including public and private utilities shall be submitted for review and approval; 10. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed; 11. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 12. Upon submittal of a Preliminary Plat application, a traffic analysis shall be submitted for review and approval. In addition, turn and/or deceleration lanes shall be provided along Haines Avenue as needed based on the Traffic Impact Analysis; 13. Upon submittal of a Preliminary Plat application, road construction plans for Pearl Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the permanent turnaround at the end of the cul-de-sac shall have a minimum 110 foot diameter right-of-way and a minimum 96 foot diameter paved surface; 14. Upon submittal of a Preliminary Plat application, road construction plans for Roberta Drive shall be submitted for review for review and approval. In particular, the road construction plans shall show the street located in a minimum 52 foot wide right-of-way and

constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 15. Upon submittal of a Preliminary Plat application, road construction plans for the cul-de-sac streets shall be submitted for review and approval. In particular, the cul-de-sac streets shall be located in a minimum 49 foot right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 16. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained. In addition, the International Fire Code shall be continually met; 17. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 18. Prior to submittal of a Final Plat, the plat document shall be revised to show a ten foot wide planting screen easement along Haines Avenue or a Variance to the Subdivision Regulations shall be obtained; 19. Prior to submittal of a Final Plat application, the plat document shall be revised to provide non-access easements in compliance with the Street Design Criteria Manual; 20. Prior to submittal of a Final Plat application, the existing single family residence and shed shall be removed from the subject property or surety shall be posted to insure that the structures are removed; 21. Prior to submittal of a Final Plat application, the applicant shall submit street names to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 22. Prior to submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for road maintenance of the access easement(s) for review and approval; 23. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 24. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow 120 dwelling units with one point of access in lieu of 40 dwelling units as per the Street Design Criteria Manual or the plat document shall be revised accordingly. Steven Brenden indicated his concern with the parking and access to parking. Motion carried with Schumacher voting NO.

ALCOHOLIC BEVERAGE LICENSE APPLICATIONS

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. City Attorney Green asked that the licenses for The Hall Inn and Panchero's Mexican Grill be continued.

Chapman moved, second by Hadcock to continue SCL, Inc. dba **The Hall Inn**, 214 East St. Joseph Street for a Retail (On-Off Sale) Malt Beverage License transfer from Stanley Kline dba **The Hall Inn**, 214 East St. Joseph Street with Video Lottery to the June 5, 2006 Council meeting. Motion carried.

Chapman moved, second by Olson to continue Two Lefties' and Pancho's Mexican Grill, LLC dba **Panchero's Mexican Grill**, 1221 West Omaha Street for a Retail (On-Off Sale) Malt Beverage license without Video Lottery to the June 19, 2006 Council meeting. Motion carried.

Chapman moved, second by Olson and carried to close the public hearing.

Chapman moved, second by Hurlbut and carried to approve the following alcohol license application:

94. Atlantis, LLC dba **Watiki Indoor Water Park Resort / Fairfield Inn & Suites**, 1314 North Elk Vale Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Package (Off Sale) Malt Beverage License Renewal 2006-2007

97. Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 East St. Patrick for a Package (Off sale) Malt Beverage License renewal
98. Cigarette Chain, Inc. dba **Cigarette Chain**, 1903 North Maple Avenue for a Package (Off Sale) Malt Beverage License renewal
99. James Barry Stoick dba **Stoick's**, 203 Jackson Blvd. for a Package (Off Sale) Malt Beverage License renewal

Retail (On Off Sale) Malt Beverage License without Video Lottery, Renewal 2006-2007

100. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road for a Retail (On Off Sale) Malt Beverage License without Video Lottery

Retail (On Off Sale) Malt Beverage License WITH Video Lottery, Renewal 2006-2007

101. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 East St. Patrick for a Retail (On Off Sale) Malt Beverage License with Video Lottery
102. Ken-Ben, Inc. dba **8th Street Lounge**, 2201 Mt. Rushmore Road for a Retail (On Off Sale) Malt Beverage License with Video Lottery
103. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 East St. Patrick for a Retail (On Off Sale) Malt Beverage License with Video Lottery
104. The Retired Enlisted Association dba **Chapter 29**, 1981 East Centre Street for a Retail (On Off Sale) Malt Beverage License with Video Lottery
105. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 North Maple Avenue (Rushmore Mall) for a Retail (On Off Sale) Malt Beverage License with Video Lottery

Retail (On Sale) Liquor License Transfer

106. Fresch, Inc. dba **Joe's Place**, 4302 South Hwy 79 for a Retail (On Sale) Liquor License transfer from Joe N. Crawford dba Smokin' Joe's #12, 4302 South Hwy 79
107. Viper, LLC dba **Quality Inn**, 1902 LaCrosse Street for a Retail (On Sale) Liquor License transfer from Steven C. Lester dba Quality Inn / Reunion Lounge, 1902 LaCrosse Street

Retail (On-Off Sale) Malt Beverage License With Video Lottery Transfer

108. Vernon D. Hellwig dba **Chance's**, 110 Cambell Street, Suite E for a Retail (On-Off Sale) Malt Beverage License with video lottery transfer from Fuddruckers, 220 North Maple Avenue (Rushmore Mall)

Retail (On Off Sale) Malt Beverage License No Video Lottery

109. SCL, Inc. dba **The Hall Inn**, 214 East St. Joseph Street for a Retail (On Off Sale) Malt Beverage License without Video Lottery
110. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 North Maple Avenue (Rushmore Mall) for a Retail (On Off Sale) Malt Beverage License without Video Lottery

Set for Hearing (June 5, 2006)

Chapman moved, second by Johnson and carried, and the Finance Officer was directed to publish notice of hearing on the following application, said hearing to be held as follows:

Package (Off-Sale) Malt Beverage License Renewal 2006-2007

111. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 East North Street for a Package (Off-Sale) Malt Beverage License
112. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road for a Package (Off-Sale) Malt Beverage License
113. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street for a Package (Off-Sale) Malt Beverage License
114. MG Oil Company dba **Amoco Food Shop No. 9**, 1220 E. St. Patrick Street for a Package (Off-Sale) Malt Beverage License
115. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road for a Package (Off-Sale) Malt Beverage License
116. Big D Oil Company dba **Big D Oil Store No. 41**, 1160 LaCrosse Street for a Package (Off-Sale) Malt Beverage License
117. Big D Oil Company dba **Big D Oil Store No. 42**, 850 E. North Street for a Package (Off-Sale) Malt Beverage License
118. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street for a Package (Off-Sale) Malt Beverage License
119. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street for a Package (Off-Sale) Malt Beverage License
120. Robert L. Stiehl dba **Circle S Market No. 2**, 310 Fairmont Boulevard for a Package (Off-Sale) Malt Beverage License
121. Moyle Petroleum dba **Common Cents Food Store**, 4128 Canyon Lake Drive for a Package (Off-Sale) Malt Beverage License
122. Moyle Petroleum dba **Common Cents Food Store**, 1909 LaCrosse Street for a Package (Off-Sale) Malt Beverage License
123. Moyle Petroleum dba **Common Cents Food Store**, 1129 West Omaha for a Package (Off-Sale) Malt Beverage License
124. Moyle Petroleum dba **Common Cents Food Store**, 2660 Mt. Rushmore Road for a Package (Off-Sale) Malt Beverage License
125. Flannery Oil, Inc. dba **Corner Pantry**, 501 Deadwood Avenue for a Package (Off-Sale) Malt Beverage License
126. Nash Finch Company dba **Family Thrift No. 253**, 1516 East St. Patrick Street for a Package (Off-Sale) Malt Beverage License
127. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street for a Package (Off-Sale) Malt Beverage License
128. Fresh Start Convenience Stores, Inc. dba **Fresh Start-Rapid City**, 520 Birch Avenue for a Package (Off-Sale) Malt Beverage License
129. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street for a Package (Off-Sale) Malt Beverage License
130. Moyle Petroleum dba **North Street Smoke Shop**, 634 East North Street for a Package (Off-Sale) Malt Beverage License
131. Safeway Stores 46, Inc. dba **Safeway No. 1554**, 730 Mt. View Road for a Package (Off-Sale) Malt Beverage License
132. Safeway Stores 46, Inc. dba **Safeway No. 581**, 2120 Mt. Rushmore Road for a Package (Off-Sale) Malt Beverage License

- 133. Superpumper, Inc. dba **Superpumper No. 16**, 3275 Highway 79 South for a Package (Off-Sale) Malt Beverage License
- 134. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue for a Package (Off-Sale) Malt Beverage License
- 135. Wal-Mart Stores, Inc. dba **Wal-Mart Super Center**, 1200 N. LaCrosse Street for a Package (Off-Sale) Malt Beverage License
- 136. Big D Oil Company dba **Big D Oil #17**, 3540 Sturgis Road for a Package (Off-Sale) Malt Beverage License
- 136. A. Albertson's, Inc. dba Albertson's Food Center 845, 855 Omaha Street for a Package (Off-Sale) Malt Beverage License

Retail (On/Off Sale) Malt Beverage License No Video Lottery Renewal 2006-2007

- 137. Black Hills Amateur Baseball dba **Amateur Baseball**, 2819 Canyon Lake Drive for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 138. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 139. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 140. Ron J Stevens & Sandy K Thornburg dba **Executive Golf Course**, 200 12th Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 141. GF Pizza, Inc. dba **Godfathers Pizza**, 110 Cambell Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 142. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 143. Chrisbro, LLC dba **Hampton Inn**, 1720 Rapp Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 144. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street for a Retail (On-Off Sale) Malt Beverage License without video Lottery
- 145. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 146. Los Espinos, LLC dba **LaCosta Mexican Restaurant**, 603 Omaha Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 147. Ron J Stevens & Sandy K Thornburg dba **Meadowbrook Golf Course**, 3625 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 148. Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 149. Northcott Company dba **Perkins Restaurant**, 1715 LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 150. Piesano's Pacchi, Inc. dba **Piesano's**, 3618 Canyon Lake Drive for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 151. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 152. Star of the West Complex dba **Rapid City Softball Association**, 1515 Sedivy Lane for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 153. City of Rapid City dba **Rushmore Plaza Civic Center**, 444 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
- 154. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

155. Dakota Fresh-Mex, LLC dba **Qdoba**, 741 Mt. View Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
156. T. Sellars & P. Light dba **Wine Cellar 507**, 513 Sixth Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
157. CEC Entertainment, Inc. dba **Chuck E Cheese's**, 30 Knollwood Drive for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
158. RR Schoenheider, Inc. dba **Red's Savoy Pizza**, 510 St. Joe for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
159. S & E Investments dba **Chris & Less Ann Emme / Jenne Ye Sarton**, 3300 N. Deadwood Avenue for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
160. Piece of Cake dba **Piece of Cake, LLC**, 901 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
161. Picasso Barn Pizzeria, LLC dba **Picasso Barn Pizzeria**, 556 Kirkeby Lane for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. Rhonda Berger & Kaz Campillo dba **Ichiban**, 1109 W. Omaha Street, Ste A for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. A. Hog Wild, LLC dba Black Hills Harley Davidson, 2820 Harley Drive for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. B. Faryat, Inc. dba Botticelli's Ristorante Italiano, 523 Min Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. C. Asian Garden, Inc. dba Asian Garden, 740 Mt. View Road for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. D. Li Zhu Zhu dba Hong Kong Buffet, 927 East North Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery
162. E. Museum Alliance of Rapid City, Inc. dba The Journey Museum, 222 New York Street for a Retail (On-Off Sale) Malt Beverage License without Video Lottery

Retail (On/Off Sale) Malt Beverage License With Video Lottery Renewal 2006-2007

163. Hotel Management Co. Inc. dba **Alex Johnson Hotel**, 523 Sixth Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
164. MG Oil Company dba **BP Casino**, 609 Mt. View, Ste C-1 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
165. D&S Time Square Casino, Inc. dba **Breakroom Casino**, 355 Eleventh Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
166. Harbry Enterprises, Inc. dba **Buck'N Gator Lounge**, 4095 Sturgis Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
167. Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
168. Carolyn's Casino, Inc. dba **Carolyn's Casino**, 512 West Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
169. Continental Leisure, Inc. dba **Carousel Casino**, 2050 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
170. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
171. Colonial House, Inc. dba **Colonial House Restaurant**, 2501 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

172. Dean Henrichsen dba **Dean”O”s Casino**, 903 E. North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
173. High Plains Securities dba **Down Under Sports Bar (inactive)**, 504 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
174. MG Oil Company dba **East North Casino**, 230 E. North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
175. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick St. for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
176. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
177. Elks Lodge dba **Elks Lodge No. 1187**, 3333 E. 39th Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
178. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
179. SD Vending, Inc. dba **Happy Jack’s East**, 909 E. St. Patrick Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
180. SD Vending, Inc. dba **Happy Jack’s Downtown**, 713 Omaha Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
181. SD Vending, Inc. dba **Happy Jack’s Cambell Street**, 1601 Cambell Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
182. SD Vending, Inc. dba **Happy Jack’s, Too**, 909 St. Patrick Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
183. Omaha Players Company dba **Happy Jack’s Omaha Street**, 1109 West Omaha Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
184. SD Vending, Inc. dba **Happy Jack’s West**, 1925 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
185. SD Vending, Inc. dba **Happy Jack’s Valley**, 747 Timmons Blvd Ste B for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
186. M & B Investments, Inc. dba **Hideaway Casino**, 1575 LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
187. M&B Investments, Inc. dba **The Hideaway**, 1575 LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
188. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
189. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
190. Wal-East Development dba **Jackpot Casino**, 685 LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
191. Wal-East Development dba **Jackpot Casino Too**, 1415 N. LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
192. ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
193. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
194. SARF, Inc. dba **Joker’s Casino South**, 1320 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
195. ZBT, Inc. dba **Joker’s Casino North**, 608 ½ E. North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

196. Kelly's Sports Lounge, Inc. dba **Kelly's Sport Lounge**, 825 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
197. MG Oil Company dba **LaCrosse Street Casino #1**, 720 N. LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
198. MG Oil Company dba **LaCrosse Street Casino #2**, 720 N. LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
199. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
200. Laural A. Hawkins dba **The Marble Club**, 2315 ½ Mt. Rushmore for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
201. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
202. CCKT, Inc. dba **King of Heart's Casino**, 3030 West Main for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
203. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 LaCrosse Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
204. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
205. Poker Joe's, Inc. dba **Poker Joe's**, 211 Cambell Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
206. WynGard Investment Partners dba **Pot-O-Gold Casino**, 1300 Centre Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
207. CCKT, Inc. dba **Queen of Hearts Casino**, 316 East Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
208. M G Oil Company dba **Market Square Casino**, 1624 East St. Patrick Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
209. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
210. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
211. Lybek's 21st Century, Inc. dba **Shenanigan's Casino**, 3788 E. Highway 44 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
212. Shooters, Inc. dba **Shooters**, 2424 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
213. Taira Hoeye dba **St. Joe Pub**, 710 St. Joe Pub for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
214. United Food, Inc. dba **Toby's Casino**, 720 E. North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
215. United Food, Inc. dba **Toby's Casino South**, 710 Cleveland Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
216. M G Oil Company dba **Uncle Sam's East**, 1122 East North Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
217. M G Oil Company dba **Uncle Sam's South**, 2110 Jackson Boulevard for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
218. M G Oil Company dba **Uncle Sam's West**, 2730 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
219. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

- 220. MG Oil Company dba **Warehouse Bar**, 200 E. Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 221. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 222. Catering by Marlins, Inc. dba **Marlin's Roadhouse Grill**, 2803 Deadwood Avenue for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 223. I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue for a Retail (On-Off Sale) Malt Beverage License with Video Lottery
- 223. A. Dave M. & Linda K. Handley dba Hot Spot Casino, 420 E. St. Patrick Street, Suite 107 for a Retail (On-Off Sale) Malt Beverage License with Video Lottery

Package (Off-Sale) Liquor License

- 224. Orris Enterprises, Inc. dba **Vino 100**, 520 7th Street, Suite 520 for a Package (Off-Sale) Liquor License

Special Beer & Wine License

- 225. **Black Hills Heritage Festival** for a special Beer License for an event scheduled June 30, 2006 and July 1 – 2, 2006 in Memorial Park

ITEMS FROM THE MAYOR

Olson moved, second by Hadcock to continue No. LF042606-02, Potential impact of Septic systems presentation, Foster Sawyer to the June 5, 2006 Council meeting. Motion carried.

ITEMS FROM COUNCIL MEMBERS/LIAISON REPORTS

Alderman Johnson asked for a Canyon Lake Park update and in response to the request, Parks & Recreation Director Cole reported that the Request for Proposals is complete and will be brought forward at the Public Works Committee meeting with a request to solicit. Alderman Johnson suggested Council declare an emergency and have the wall constructed. City Attorney Green advised that professional services are not bid, indicating there is no need to declare an emergency. Green suggested Council dispense with the Consultant Selection Process and direct staff to select a design service in order to hasten the project along.

Johnson moved to direct staff to dispense with the Consultant Selection Process and select a design service. Second by Okrepkie. Alderman Olson suggested the assumption is that this wall is the best solution and that there is support for this solution. She suggested that this has not been fully discussed and reminded the members that staff recommendation was to remove a portion of the road. In response to a question from Alderman Okrepkie, Cole explained that the design is to be prepared by August; and the build to be late fall or early spring. City Attorney Green advised that the City may not be able to dictate the timeline. Growth Management Director Elkins explained that with the construction of a wall, a floodplain development permit must be submitted and reviewed through the Flood Policy process. Alderman Kroeger urged the Council to follow the process, suggesting that the public still has use of the park. In response to a question from Cole asking for a clarification of whether there needs to be a design of one or two rock retaining walls, Alderman Johnson indicated only one wall needs to be designed. Alderman Chapman suggested there is nothing to be gained by dispensing with the Consultant Selection Process when considering the timeframe for construction of the wall. In response to a request from Alderman Johnson, City Attorney Green outlined the selection process.

Upon a roll call vote being taken on the motion, the following voted AYE: Okrepkie, Johnson, Schumacher, and Hadley; NO: Kroeger, Hadcock, Hurlbut, Chapman, and Olson. Motion failed.

Alderman Schumacher brought forward the intersection of Hemlock / Blue Bird noting work done in the past year on the curb and sidewalk and suggested these are the opportunities to ease the ADA transition.

BID AWARDS

The following companies submitted bids for No. CC051506-02 Phase 1C, Soo San Watermain Extension, Water Treatment Plant Backwash System Improvements, and Sioux San & Pinedale #2 Booster Station Modifications Project No. W06-1425.1C / CIP No. 50570 opened May 9, 2006: Hills Materials Company and Mainline Contracting. Staff reviewed the bids and recommends the bid award to Mainline Contracting. Johnson moved, second by Chapman and carried to approve the bid award of Phase 1C, Soo San Watermain Extension, Water Treatment Plant Backwash System Improvements, and Sioux San & Pinedale #2 Booster Station Modifications Project No. W06-1425.1C, to the lowest responsible bidder meeting specifications, Mainline Contracting, for the low unit prices bid for a total contract amount of \$340,825.70.

The following companies submitted bids for No. CC051506-02 6th Street and Hillcrest Drive Water Main Extension Project No. W05-1521 / CIP No. 50614 opened May 9, 2006: Warax Excavating, Inc., Grizzly Excavation, Inc., R.C.S. Construction, Inc., and Hills Materials Company. Staff reviewed the bids and recommends the bid award to Warax Excavating, Inc. Chapman moved, second by Olson and carried to approve the bid award of 6th Street and Hillcrest Drive Water Main Extension Project No. W05-1521, to the lowest responsible bidder meeting specifications, Warax Excavating, Inc., for the low unit prices bid for a total contract amount of \$62,053.85.

The following companies submitted bids for No. CC051506-02 Haines Avenue PCCP Panel Repair Project No. STCM06-1537 / CIP No. 50445 opened May 9, 2006: Stanley J. Johnsen Concrete Contractor, Inc., Tru-Form Construction, Inc., and Simon Contractors of South Dakota, Inc. Staff reviewed the bids and recommends the bid award to Stanley J. Johnsen Concrete Contractor, Inc. Johnson moved, second by Chapman and carried to approve the bid award of Haines Avenue PCCP Panel Repair Project No. STCM06-1537, to the lowest responsible bidder meeting specifications, Stanley J. Johnsen Concrete Contractor, Inc., for the low unit prices bid for a total contract amount of \$199,910.60.

The following companies submitted bids for No. CC051506-02 9th Street to West Boulevard and Clark Street to Fairview Street Sewer Extension Project No. SS06-1556 / CIP No. 50624 opened May 9, 2006: Grizzly Excavation, Inc., Hills Materials Company, and R.C.S. Construction, Inc. Staff reviewed the bids and recommends the bids be referred to the May 30, 2006 Public Works Committee meeting; whereupon Olson moved, second by Okrepkie and carried to approve.

The following companies submitted bids for No. CC051506-02 Rushmore Plaza Civic Center Multi-Purpose Addition Project No. IDP06-1555 (05-1232.001) opened May 9, 2006: Gustafson Builders, R.C.S. Construction, Inc., and Scull Construction Service, Inc. Staff reviewed the bids

and recommends the bids be referred to the May 30, 2006 Public Works Committee meeting; whereupon Hadcock moved, second by Olson and carried to approve.

The following companies submitted bids for No. CC051506-02 Sweeper Broom Refills for the Street Division opened May 11, 2006: Sheehan Mack Sales & Equipment and Old Dominion Brush Co Inc. Staff reviewed the bids and recommends the bid award to Old Dominion Brush Co Inc. Kroeger moved, second by Johnson and carried to approve the bid award of Sweeper Broom Refills to the lowest responsible bidder meeting specifications, Old Dominion Brush Co Inc. for the low unit prices bid with the option of extending the 2006 contract through the calendar years of 2007, 2008 and 2009.

APPROVAL OF BILLS

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

Payroll Paid Ending 04-29-06, Paid 05-05-06	721,751.42
Payroll Paid Ending 04-29-06, Paid 05-05-06	3,408.80
Pioneer Bank, Taxes Paid 05-05-06	176,943.08
Pioneer Bank, Taxes Paid 05-05-06	235.42
First Administrators, claims paid 05-02-06	66,942.22
First Administrators, claims paid 05-10-06	88,307.91
Berkley Risk Administrators, April claims	29,164.23
Black Hills Electric Cooperative, electricity	481.70
Black Hills Power & Light, electricity	8,075.49
West River Electric Association, electricity	19,566.26
United States Postmaster, postage	1,600.00
Computer Bill List	<u>3,387,727.34</u>
Subtotal	\$4,504,203.87
Payroll Paid Ending 04-29-06, Paid 05-05-06	2,638.00
Pioneer Bank, Taxes Paid 05-05-06	201.81
Charles Braunersrither, volunteer stipend	150.00
City of Rapid City, postage	6.01
City of Rapid City, health insurance	733.00
Dakota Business Center, copier maintenance	5.29
Prairie Wave Communications, telephone	33.81
SD Retirement Systems, pension	306.90
Standard Life, life insurance	<u>7.92</u>
Subtotal	\$4,508,286.61
SD Governmental Finance Officers' Association, registration	350.00
SD Human Resource Association, registration	<u>175.00</u>
Total	\$4,508,811.61

PUBLIC WORKS DIRECTOR'S ITEMS

Okrepkie moved, second by Olson and carried to authorize staff to advertise for bids for the Soo San Drive box culvert project.

Okrepkie moved, second by Kroeger and carried to approve awarding an informal quote to Rapid Construction Company for a sanitary sewer holding tank and associated pipe installation for the Brookfield development in the amount of \$10,727.64.

CITY ATTORNEY’S ITEMS

Chapman moved, second by Olson and carried to go into Executive Session at 1:01 A.M. to discuss pending litigation, contractual and personnel matters matters. The Council came out of Executive Session at 1:46 A.M. with all members present.

Johnson moved, second by Okrepkie and carried to authorize the Mayor and Finance Officer and the City Attorney’s Office to execute all documents necessary to settle the Jundt matter, in accordance with the discussion during Executive Session.

Hadley moved, second by Chapman and carried to direct the City Attorney to proceed in accordance with the discussion during Executive Session on the Evans claim.

Kroeger moved, second by Johnson and carried to direct the City Attorney’s Office to send a letter to Plum Creek terminating the IDPF loan, in accordance with the discussion during Executive Session.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 1:47 A.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)