

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

December 21, 2009

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, December 21, 2009 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bill Waugh, Patti Martinson, Sam Kooiker, Aaron Costello, Lloyd LaCroix, Karen Gundersen Olson, Ron Weifenbach, Ron Kroeger and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Malcom Chapman.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Community Resource Director Kevin Thom, and Administrative Coordinator Amber Sitts.

**ADOPTION OF AGENDA**

The following items were added to the agenda:

- Report on the FY2010 Budget Book
- Authorize Mayor and Finance Officer to Sign an Agreement
- Fish Garbage Service License Action
- Authorize Mayor and Finance Officer to Sign a Letter of Engagement with Nooney, Solay and VanNorman
- Litigation Direction
- Merry Christmas, Alderman Hadcock

Motion was made by Kooiker, second by LaCroix and carried to adopt the agenda as amended.

**APPROVE MINUTES**

Motion was made by Olson, second by LaCroix and carried to approve the minutes from December 7, 2009.

**AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran of the Month for December 2009 to Oran M. Hurst and recognized his efforts and dedication to the service of his country and community.

**NON-PUBLIC HEARING ITEMS** -- Items 3 – 83

Motion was made by LaCroix, second by Costello and carried to open the public comment for items 3 – 65. No comments were offered.

Motion was made by Costello, second by LaCroix and carried to close the public comment for items 3 – 65.

**CONSENT ITEMS** – Items 3 – 58

The following items were removed from the Consent Items:

44. No. LF120209-03 – Approve the 2010 proposed items for the 2012 Process, Phase 4, with the structure being as it was in 2005.

Motion was made by Costello, second by LaCroix and carried to approve the following items as they appear on the Consent Items.

***Alcoholic Beverage License Applications Set for Hearing (January 4, 2010)***

3. Dadah Kids Corp. DBA Pauly's Pizzeria and Sub Co., 1624 E St. Patrick Street #101 for a Retail (on-off sale) Wine License
4. South City Investments LLC DBA South City Billiards, 640 E St. Patrick Street for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Michael O. Wieseler DBA Horseshoe Bar, 1407 ½ E North Street
5. Black Hills Chapter of Germans from Russia Heritage Society for a Special Event Beer License for an event scheduled for February 28, 2010 at the Parish Center, 4500 Jackson Blvd.

***Public Works Committee Consent Items***

6. Overview of the Central High School Project – Mike Kenton.
7. Acknowledge Report from the Police Department, Lt. James Johns.
8. No. PW121509-01 – Approve Change Order No. 1F to Highmark, Inc. for Tower Road Water Main Loop, Project No. W09-1786 / CIP No. 50753, for a decrease of \$8,158.80.
9. No. PW121509-02 – Approve Change Order No. 1F to Hills Materials Company, for Main Fire Station Waterline, Project No. IDP09-1791 / CIP No. 50772, for a decrease of \$2,604.28.
10. No. PW121509-03 – Authorize Staff to Advertise for Bids for the Omaha Street Storm Water Quality Project, Project no. DR09-1801 / CIP No. 50782. Estimated Amount of Project: \$200,000.00.
11. No. PW121509-04 – Authorize Staff to Advertise for Bids for the Landfill Gas Collection System, Project No. LF09-1795 / CIP No. 50762. Estimated Amount of Project: \$1,350,000 with \$600,000 provided by Department of Energy Grant.
12. No. PW121509-05 – Authorize Staff to Advertise for Bids for the E. St. Francis Street, E. St. Anne Street, and Birch Avenue Reconstruction, Phase Two Project Three of Robbinsdale Reconstruction Project, Project No. ST09-1823 / CIP No. 50424. Estimated Amount of Project: \$1,750,000.00.
13. No. PW121509-06 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to the Agreement with Ferber Engineering Company, Inc. for the East Mall Drive Connection-North La Crosse Street to East North Street, Project No. ST06-1334b / CIP No. 50521, EM1608(3)-PCN 012F, in the amount of \$33,113.94.
14. No. PW121509-07 – Authorize Mayor and Finance Officer to Sign an Agreement Between City of Rapid City and State of South Dakota for Appraisal Review Work for the Anamosa Street Reconstruction Project, from Haines Avenue to Midway Street, Project No. ST07-1472 / CIP No. 50519, State Project P 1648(03), PCN H021, in the amount of \$2,500.00.

15. No. PW121509-08 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with Geiger Architecture for the Milo Barber Transportation Center Improvements, Project No. GB08-1765 / CIP No. 50746, for an increase of \$36,250.00.
16. No. PW121509-09 – Authorize Mayor and Finance Officer to Sign an Agreement with HDR Engineering for St. Patrick Street Siphon Odor Control Facility, Project No. SS09-1825 / CIP No. 50774, in the amount of \$31,488.00.
17. No. PW121509-10 – Authorize Mayor and Finance Officer to Sign Addendum No. 4 to the Agreement with SD Department of Military and Veterans Affairs Lease Agreement, dated October 13, 1992.
18. No. PW121509-11 – Authorize Mayor and Finance Officer to Sign an Agreement with Dream Design International, Inc. for Cliff Drive Sanitary Sewer Extension, Project No. SS09-1830 / CIP No. 50778, in the amount of \$55,455.00.
19. No. PW121509-12 – Authorize Mayor and Finance Officer to Sign an Agreement with Dream Design International, Inc. for the Heights Drive Sanitary Sewer Extension, Project No. SS09-1831 / CIP No. 50777, in the amount of \$63,425.00.
20. No. PW121509-13 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with FMG, Inc. for the Anamosa Street Reconstruction (Haines to Midway), Project No. ST07-1472 / CIP No. 50519, in the amount of \$8,654.20.
21. No. PW121509-14 – Authorize Staff to Purchase Roadway Deicing Salt. Estimated Cost: \$100,000.00.
22. No. 09FV013 - Stoneridge Subdivision – Acknowledge the applicant's request to withdraw the application for a **Fence Height Exception to allow a six foot high fence in the front yard setback** on Lots 1 of Block 2 of Stoneridge Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 310 Gemstone Drive.
23. No. 09TP032 – Approve 2010-2014 Transportation Improvement Program Amendment No. 10-001R.
24. Acknowledge the Report on Diving Board Use during Family Swim Time.
25. No. LF120209-38 – Acknowledge the report on Providing Equipment and Manpower to Clean up Canyon Lake Park, Roosevelt Park, and Memorial Park
26. Authorize the City Attorney's Office to prepare an agreement with the Rapid City Area School District and Performing Arts for design of improvements to be made at the Dakota Middle School Theater. 2012 Fund Project.

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

27. No. LF120209-35 – Authorize Mayor and Finance Officer to sign Joint Powers Agreement with the School District Regarding Central High School.
28. No. LF101508-22A – Approve request from Phil Olsen to authorize Mayor and Finance Officer to sign Developer's Agreement with Hidden Valley, Inc. for Tax Increment District Number 61 as amended.

29. No. LF121609-06 – Recommend that the City Council continue request from the Humane Society to discuss Agreements between the City of Rapid City and The Humane Society of the Black Hills for Shelter Service and Animal Control Services to the December 29, 2009, Special Council meeting.
30. No. LF121609-14 – Approve the following appointments to the Mechanical Board for two year terms to expire December 31, 2011: Mark Thomas representing mechanical installers, Chino Caekaert representing mechanical contractors, Glenn Dalabarra representing the refrigeration industry, Thomas Aasby representing the propane industry and Richard Trapp representing the appliance industry.
31. No. LF121609-15 – Approve the appointment of Wayne Gutzmer to the Gas Board for an indefinite term.
32. No. LF121609-16 – Approve the following appointments to the Parks & Recreation Board: re-appointment of Van Lindquist and Wes Storm for a three year term to expire January, 2013, appointment of Lisa Seaman to complete the unexpired term of Wade Morris to expire January, 2012, and appointment of Michaele Hofman for a term to expire January, 2012 replacing the term of Jim Smoragiewicz who recently resigned.
33. No. LF121609-17 – Approve the re-appointment of Rich Huffman to the Rushmore Plaza Civic Center Board for a full three year term to expire January, 2013.
34. No. LF121609-18 – Approve the following appointments to the Development Appeals and Review Board: Mike Albertson, Bob Brandt John Herr, and Pat Wyss for two year terms to expire December 31, 2011.
35. No. LF121609-19 – Approve the following appointments to the Mayor’s Committee on Disabilities: Brenda French, Chuck Henrie, Dale Landis, Jim Schamber, Kathy Ertel, Lynn VonWald and Mark Kjellerson for two year terms to expire December 31, 2011.
36. No. LF121609-20 – Approve the appointment of Brian Neumann as the general contractor representative to the Fire Code Board of Appeals for a four year term to expire December 31, 2013.
37. No. LF121609-21 – Approve the re-appointment of John Herr to the Zoning Board of Adjustments for a three year term to expire December 31, 2012.
38. No. LF121609-22 – Approve the following appointments to the Library Board: appointment of Richard Haeder to a full three year term to expire December 31, 2012; re-appointment of Monte Loos to fill an unexpired term to expire December 31, 2010.
39. No. LF121609-23 – Approve the following appointments to the Journey Museum Board: re-appointment of Jim Shaw for a term to expire January , 2014; appointment of James Fields, Chad Thies, Fred Whiting and Michelle Thomson for a term to expire January, 2014.
40. No. LF121609-25 – Approve appointments of Cheryl Pederson and Bret Swanson to the Humane Society of the Black Hills (city appointments) to complete the unexpired three year terms to expire April, 2012.
41. No. LF121609-27 - Approve Resolution Establishing Maximum Salaries for Certain City Officers.

RESOLUTION #2009-177  
RESOLUTION ESTABLISHING MAXIMUM SALARIES FOR CERTAIN CITY OFFICERS

WHEREAS, the salaries for the Non-Union positions for the Mayor and City Council members are listed in the Resolution Establishing Salaries for Certain City Officers; and

WHEREAS, traditionally the City Council adopts a new resolution Establishing Salaries for Certain City Officers Prior to the beginning of the next fiscal year; and

WHEREAS, the current economic conditions limit the City's ability to offer City employees wage increases; and

WHEREAS, it is appropriate and proper for the Mayor and the City Council to lead by example; and

NOW, THEREFORE , BE IT RESOLVED that the compensation for the Mayor and for each City Council member shall not increase for FY 2010, but shall remain as set by the Council in its FY2009 resolution; and

BE IT FURTHER RESOLVED that the mileage and IT allowance for each Council member shall not increase for FY 2010, but shall remain as set by the Council in its FY 2009 resolution.

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 42. No. LF071509-10 – Approve a Resolution Designating Lot 1, Knecht Park Subdivision as Park Land.

RESOLUTION #2009-178  
A RESOLUTION DESIGNATING LOT 1, KNECHT PARK SUBDIVISION  
AS PARK LAND

WHEREAS, South Dakota Codified Laws Chapter 9-38 grants to municipalities the power to acquire and maintain property for parks; and

WHEREAS, on June 9, 2008, the Rapid City Floodplain Development Policy Committee recommended adoption of "A Resolution Establishing a Rapid Creek Floodplain Policy"; and

WHEREAS, on July 7, 2008 the Rapid City Council adopted "A Resolution Establishing a Rapid Creek Floodplain Policy"; and

WHEREAS, said Resolution recommended that if feasible the City should acquire the Knecht Park property and dedicate the land as park land; and

WHEREAS, on October 24, 2008 the City of Rapid City acquired the property legally described as Lot 1, Knecht Park Subdivision located in Section 8, Township 1 North, Range 7 East, Black Hills Meridian, Rapid City, Pennington County, South Dakota; and

WHEREAS, Lot 1, Knecht Park Subdivision was acquired to insure that the property would be preserved as open space and not developed to insure that the floodplain is protected; and

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City to dedicate Lot 1, Knecht Park Subdivision as park land subject to the provisions of SDCL 9-38.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the property legally described as Lot 1, Knecht Park Subdivision located in Section 8, Township 1 North, Range 7 East, Black Hills Meridian, Rapid City, Pennington County, South Dakota is hereby designated as park land.

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 43. No. LF071509-10 - Approve a Resolution Designating Various Publicly Owned Properties as Park Land.

RESOLUTION #2009-183

A RESOLUTION DESIGNATING VARIOUS PUBLICLY OWNED PROPERTIES AS PARK LAND

WHEREAS, the City of Rapid City has acquired numerous properties as part of the 1972 Flood Recovery efforts with the intent of preserving the property as open space to protect the floodplain from future development.

WHEREAS, on June 8, 2008, the Rapid City Floodplain Development Policy Committee recommended adoption of an on July 7, 2008 the Rapid City Council adopted "A Resolution Establishing A Rapid Creek Floodplain Policy" citing the desire to preserve and enhance Rapid City's Greenway with its bike paths, baseball, softball and soccer fields, tennis courts, swimming pools, recreation center, ice arena, Civic Center, lakes, picnic areas, dog parks, basketball courts, disc golf courses, golf courses, playgrounds and open spaces that delight and serve the community's residents and visitors of all ages;

WHEREAS, said Resolution includes provisions calling for the dedication of various publicly owned properties as park land subject to the provisions of SDCL 9-38; and,

WHEREAS, the City Council of the City of Rapid City deems it to be in the best interest of the City to dedicate as park land the publicly owned properties listed on Exhibit A "List of Public Land Location Wholly Within the Floodway to be Designated Park Land."

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that those publicly owned properties listed on Exhibit A, "List of Public Land Located Wholly Within the Floodway to be Designated Park Land" are hereby designated as park land.

Dated this 21st day of December, 2009.

CITY OF RAPID CITY

ATTEST:  
s/ James F. Preston  
Finance Officer

s/ Alan Hanks, Mayor

(SEAL)

- 45. No. LF121609-01 – Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for the HazMat ICS (Incident Commander) Course in Pueblo, CO, in the approximate amount of \$2,538.
- 46. No. LF121609-02 – Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for the HazMat Emergency Response Course in Pueblo, CO, in the approximate amount of \$2,538.
- 47. No. LF121609-03 – Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for the HazMat Technician Course in Pueblo, CO, in the approximate amount of \$21,350.
- 48. No. 09TP033 – Authorize Mayor and Finance Officer to sign the Professional Services Agreement with Alta Planning and Design for the Bicycle and Pedestrian Master Plan in an amount not to exceed \$72,000.
- 49. No. LF121609-04 – Approve request from Doug Williams for compromise of special assessment interest penalty.
- 50. No. LF121609-05 – Approve the 2010 Allied Arts City Subsidy disbursal.
- 51. Acknowledge the following volunteers for workmen’s compensation purposes: Ellen Benton, Ari Crawford, and Angela Coon.
- 52. No. LF121609-12 – Approve Resolution No. 2009-172 Declaring Property Surplus.

RESOLUTION #2009-172  
RESOLUTION DECLARING PROPERTY SURPLUS

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

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

GIS  
HP 5000N LaserJet Printer

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

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 53. No. LF121609-07 – Authorize Mayor and Finance Officer to sign Amendment #2 CityWorks Software License Agreement.
- 54. No. LF121609-08 – Authorize Mayor and Finance Officer to sign the State of South Dakota Consultant Contract/Letter of Agreement for Consultant Services for the SD Department of Corrections Adult Reentry Program.
- 55. No. LF121609-13 – Approve Resolution No. 2009-171 to Establish Rates for the City of Rapid City Dental Plan.

RESOLUTION (No. 2009 - 171) TO ESTABLISH RATES  
FOR THE CITY OF RAPID CITY DENTAL PLAN

WHEREAS, the Healthcare Committee is empowered to establish rates for the dental plan; and

WHEREAS, the committee voted to establish an open enrollment period from December 18, 2009 through January 31, 2010.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to establish the following dental rates effective on the dates indicated:

Coverage	Effective January 1, 2010
Single	24.24
2-Party	45.68
Family	56.46

BE IF FURTHER RESOLVED by the City Council of the City of Rapid City, that an open enrollment period from December 18, 2009 through January 31, 2010 is hereby established.

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 56. No. LF121609-09 – Approve Request for Proposals for Real Estate Broker Services (Wally Byam).
- 57. No. LF121609-10 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and James S. Steele for the Completion of Planned Commercial Development Improvements.

**Growth Management Department Consent Items**

- 58. No. 09PL046 – Deny Without Prejudice a request by Todd Fenster for a **Layout Plat** on Lot 1 of Block 1 of Expressway Subdivision, located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington

County, South Dakota, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 1200 Elk Vale Road.

#### END OF CONSENT CALENDAR

Motion was made by Costello, second by Olson, to (No. LF120209-03) Approve the 2010 proposed items for the 2012 Process, Phase 4, with the structure being as it was in 2005. LaCroix indicated there is an updated list distributed on the Dias, and he reviewed the changes.

Substitute motion was made by LaCroix, second by Olson, to approve the process per the recommendation in the handout. It was confirmed that the changes were discussed at Legal and Finance, and Green explained that this came forward with the understanding there might be something different presented to Council.

A friendly amendment was offered by Kooiker to appoint two alternates to each committee. LaCroix and Olson agreed to the amendment, and Green pointed out that there will be a second chance to look at it as well. Motion carried.

#### **CONTINUED CONSENT ITEMS** – Items 59 – 65

Motion was made by LaCroix, second by Costello and carried to approve the following items as they appear on the Continued Consent Items.

#### ***Continue the following items until January 4, 2010:***

59. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.

#### ***Continue the following items until January 19, 2010***

60. No. 09PL040 - A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. for a **Layout Plat** on Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of \_\_\_\_\_ Subdivision, located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.
61. No. 09PL047 - A request by Centerline, Inc. for PLM Land Development, LLC for a **Preliminary Plat** on Lots 36 thru 53 of Block 1 of PLM Subdivision, located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern extension of Conestoga Court.
62. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillsvie Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillsvie Subdivision

and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

63. No. 09PL074 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Preliminary Plat** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.
64. No. 09PL076 - A request by Britton Engineering & Land Surveying for Vantage Properties, LLC for a **Preliminary Plat** on Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4 and a portion of Lot 3 and a portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of East North Street between Cambell Street and Anamosa Street.

***Continue the following items until February 1, 2010***

65. No. 09PL075 - A request by Fisk Land Surveying and Consulting Engineers for Walter J. Bradsky for a **Preliminary Plat** on Lots 5A and 5B of Aspen Estates Subdivision, Section 12, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 5 of Aspen Estates Subdivision, located in Section 12, T1N, R6E, BHM, Pennington County, South Dakota, located at 7800 Elkhart Road.

END OF CONTINUED CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 66 – 83

Motion was made by Olson, second by Waugh and carried to open the public comment for items 66 – 83. Bob Brandt indicated that he is available for questions concerning the amendment and the reasons he brought Item 66 forward. Ryan Schumann, Cleary Building Corp., explained his sign appeal and reminded the Council that this is a State mandated sign move due to a temporary construction easement. He said they may be going out of business and noted that his employees and their families are directly affected by this sign.

Motion was made by LaCroix, second by Costello, to close the public comment for items 66 – 83. Alderman Kroeger wanted to acknowledge that he is abstaining from Item 73. Motion carried.

***Ordinances***

Ordinance 5569 (No. LF120209-01A) An Ordinance to Allow for the Conversion of an On-Premises Sign to Off-Premises Sign for More than One Parcel by Amending Subsection Q of Section 15.28.050 of the Rapid City Municipal Code. Motion was made by Olson, second by LaCroix and carried that Ordinance 5569 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, January 4, 2010.

Ordinance 5568 (No. 09RZ054) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner & Associates for Rapid City Area School District No. 51-4 for a **Rezoning from Flood Hazard District to Civic Center District** on a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid

City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less, located south of Central High School between North Mount Rushmore Road and West Boulevard North and north of Omaha Street. Motion was made by Olson, second by LaCroix and carried that Ordinance 5568 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, January 4, 2010.

### ***Growth Management Department Items***

Motion was made by Olson, second by LaCroix and carried to approve (No. 08PL099) A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 of Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to submittal of a Final Plat application or prior to the start of construction, the applicant shall submit a copy of an approved and recorded document providing maintenance of the proposed drainage lot or the request that the City accept ownership and maintenance of the proposed drainage lot shall be approved by City Council; 3. Prior to submittal of a Final Plat application or prior to the start of construction, an agreement shall be entered into between the City of Rapid City and Rapid Valley Sanitary District documenting that the City has ownership of the sewer line located in Timmons Boulevard or that Rapid Valley Sanitary District is agreeable to conveying sewer affluent for a portion of this phase of the development; 4. 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; 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 6. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Olson, second by LaCroix and carried to approve (No. 09AN001) A request by Carl R. Schuler, Jr. for a **Petition for Annexation** on Lot 4 of Melody Acres located in the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of Melody Lane and east of South Valley Drive contingent on any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.

RESOLUTION #2009-181  
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; and

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 5.09 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto: Lot 4 of Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Olson, second by Waugh and carried to approve (No. 09AN002) A request by DuWayne and Michelle Britton Ness for a **Petition for Annexation** on Lot 3N of Lot 3 of Melody Acres located in the NW1/4 SW1/4, Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 2818 Melody Lane contingent on any payment due to the Rapid Valley Fire Protection District being made by the City of Rapid City.

RESOLUTION #2009-182  
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; and

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 0.17 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto: Lot 3N of Lot 3 of Melody Acres located in the NW1/4SW1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Olson, second by Costello and carried to continue to the January 4, 2010 City Council meeting (No. 09PL061) A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Layout and Preliminary Plat** on Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as A portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44.

Motion was made by Olson, second by LaCroix and carried to approve (No. 09PL073) A request by Sperlich Consulting, Inc. for Triple Z Estate Development for a **Preliminary Plat** on Lot 19 of Block 11 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and a portion of Tract 2 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south and east of the intersection of Padre Drive and Jolly Lane with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, construction plans for Jolly Lane shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 32 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained. In addition, property line sidewalks shall be provided as per the Street Design Criteria Manual or an Exception shall be obtained to allow curb side sidewalks; 2. Prior to the Final Plat application, the applicant shall revise the Plat title to reflect the correct legal description and correct document misspellings; 3. Prior to the Final Plat application, the applicant shall revise the plat document to identify a minimum of a 20 foot wide major drainage easement for the storm sewer pipe and fixtures as shown on the site plan; 4. Prior to the Final Plat application, the applicant shall obtain the required right-to-work and tapping permits for the water and sanitary sewer service installation and that the service installation and pavement repair shall be complete and comply with City standards and details or provide surety for the required pavement repair; 5. Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid; 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and 7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as

expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

***Legal & Finance Committee Items***

Motion was made by Olson, second by Weifenbach, to (No. LF120209-02A) Authorize Mayor and Finance Officer to sign Covenant Agreement between the City of Rapid City and Kateland Development Co. Motion carried with Alderman Kroeger abstaining.

Motion was made by Olson, second by Waugh, to (No. LF121609-26) Confirm appointments of Tamara Pier, Shawn Krull, Cynthia Matson and Rich Grabel to the Historic Preservation Commission. Motion carried.

Motion was made by Olson, second by Weifenbach and carried to continue to the January 4, 2010 City Council meeting (No. LF121609-11) Authorize the Mayor and Finance Officer to sign License Agreement for Police Department Training at 108 E. Main Street.

Motion was made by Waugh, second by LaCroix and carried to Authorize the Mayor and Finance Officer to sign an assignment agreement for Cabela’s Economic Development Foundation TIF. Green indicated this was previously approved by Council but the official name of Cabela’s has changed. He said this is necessary to finalize the transaction and recommended approval. Green confirmed that the property has not been transferred as the assignment agreement must be done first, and he anticipates this happening next week. Motion carried.

***Public Works Committee Items***

Motion was made by Costello, second by LaCroix to continue to the January 4, 2010 City Council meeting (No. 09EX117) a Request to allow a residential driveway approach opening width greater than 20’ for a residential lot located at 4122 Quiment Court in Red Rock Meadows Subdivision. Elkins explained that she received a request to withdraw but then later received another message that they do not want to withdraw. Costello mentioned that the applicant knew what he was doing and tried to skirt it by the City. Motion carried.

***Bids***

The following bids were submitted for (No. CC122109-02.1) Wilderness Park Playground Project No. PR08-6004 opened December 8, 2009:

	Total Base Bid	Alternate 1	Alternate 2	Alternate 3
1. Complete Concrete Inc.	\$132,163.00	\$33,684.00	\$13,500.00	\$14,500.00
2. Second Nature	\$81,200.00	\$51,500.00	\$6,575.00	\$23,670.00
3. MAC Construction Co. Inc.	\$104,887.00	\$63,503.00	\$16,350.00	\$15,068.00
4. J Scull Construction Service Inc.	\$161,626.50	\$70,300.00	\$18,600.00	\$12,800.00
5. SECO Construction, Inc.	\$129,400.00	\$59,200.00	\$12,100.00	\$12,800.00
6. R.C.S. Construction Inc.	\$105,700.00	\$57,000.00	\$9,000.00	\$13,540.00
7. J&J Asphalt	\$155,775.62	\$56,400.00	\$18,000.00	\$12,650.00
8. Tru-Form Construction Inc.	\$184,644.00	\$92,000.00	\$17,500.00	\$18,000.00

Staff reviewed the bids and recommends continuing to the January 4, 2010 City Council meeting to allow financing to catch up with the bid award. Motion was made by LaCroix, second by Olson and carried to continue the bid award to the January 4, 2010 City Council meeting.

The following bids were submitted for (No. CC122109-02.2) Jackson Springs Water Transmission Mains Project No. WTP09-1836 / CIP No. 50780 opened December 10, 2009:

1. Highmark, Inc.	\$3,715,385.25
2. Heavy Constructors Inc.	\$4,595,246.67
3. RCS Construction Inc.	\$3,798,158.34
4. Hills Materials Company	\$4,487,606.52
5. Mainline Contracting	\$3,879,972.40

Staff reviewed the bids and recommends bid award to Highmark Inc. Motion was made by LaCroix, second by Olson, to approve the bid award to the lowest responsible bidder, Highmark Inc., in the amount of \$3,715,385.25. Mayor Hanks noted that this is a very good bid as it came in below the engineer's estimate. Motion carried.

The following bids were submitted for (No. CC122109-02.3) Transit Shelters Installation Project No. TS09-1835 / CIP No. 50779 opened December 15, 2009:

1. Rangel Construction Company LLC	\$82,600.00
2. KRM Concrete LLC	\$33,662.20
3. Tru-Form Construction, Inc.	\$32,093.50
4. Heavy Constructors Inc.	\$67,315.00
5. MAC Construction Co. Inc.	\$48,726.50
6. Complete Concrete Inc.	\$75,919.50
7. Lester Robbins Construction Inc.	\$26,029.25
8. Glenn C. Barber and Associates Inc.	\$33,669.00
9. Lipp Construction Inc.	\$18,455.78
10. Dean Kurtz Construction Co.	\$68,976.00

Staff reviewed the bids and recommends bid award to Lipp Construction Inc. Motion was made by LaCroix, second by Olson, to approve the bid award to the lowest responsible bidder, Lipp Construction Inc., in the amount of \$18,455.78. Mayor Hanks pointed out that this is very good bid. Motion carried.

The following bids were submitted for (No. CC122109-02.4) PCC Pavement Repair – LaCrosse St. Joint Sealing and Panel Repair Project ST10-1841 / CIP #50445 opened December 15, 2009:

1. KRM Concrete LLC	\$198,211.00
2. Tru-Form Construction Inc.	\$133,014.00
3. Simon Contractors of SD, Inc.	\$136,612.00
4. Olson Construction Inc.	\$185,977.00
5. JV Bailey Co. Inc.	\$201,714.00
6. J Scull Construction Service, Inc.	\$139,471.01
7. Stanley J. Johnsen Concrete Contractor Inc.	\$120,346.00

Staff reviewed the bids and recommends bid award to Stanley J. Johnsen Concrete Contractor Inc. Motion was made by LaCroix, second by Waugh and carried to approve the bid award to the lowest responsible bidder, Stanley J. Johnsen Concrete Contractor Inc., in the amount of \$120,346.00.

The following bids were submitted for (No. CC122109-02.5) 11th Street Alley Sanitary Sewer Reconstruction Project No. SS9-1772 / CIP No. 50422 opened December 15, 2009:

1. Hills Materials Company	\$703,792.55
2. Quinn Construction Inc.	\$678,805.00
3. Mainline Contracting Inc.	\$520,903.00
4. Kuechle Underground Inc.	\$518,576.67
5. R.C.S. Construction Inc.	\$527,068.00
6. Western Municipal Construction Inc.	\$516,702.00

Staff reviewed the bids and recommends bid award to Western Municipal Construction Inc. Motion was made by LaCroix, second by Olson and carried to approve the bid award to the lowest responsible bidder, Western Municipal Construction, in the amount of \$516,710.00.

### ***Mayor's Items***

Mayor Hanks presented the new format of the budget book. He indicated that paper copies can be requested but they are encouraging electronic copies to be used. Hadcock requested a paper copy, and Mayor Hanks indicated a message would be sent to the Council to find out how many paper copies are needed. Motion was made by Olson, second by Hadcock, to acknowledge the report. LaCroix expressed his appreciation for the work done on the new book. Mayor Hanks confirmed that a lot of work was done on the book this year, but it will be pretty straightforward next year as the format is in place. Motion carried.

### ***Council Items & Liaison Reports***

Motion was made by Olson, second by Waugh, to approve a request that the Introduction and First Reading of Ordinance No. 5501 to Prohibit the Feeding of Wildlife and Waterfowl in the City of Rapid City by Establishing Chapter 6.16 of the Rapid City Municipal Code be placed on the January 4, 2010 City Council agenda. Green explained that it is appropriate to add this to the agenda since it was a tied vote. He said he understands that the Urban Wildlife Committee may have met and the recommendation is to move forward. Olson explained that the committee needs to officially sign a letter supporting the current management plan. They had not specified the fines as they came from City Attorney's Office. They are suggesting the fine is changed to \$5.00 plus court costs, and they will secure a statement from the committee that they support the plan and implementing the ban. Weifenbach wanted to be sure if something comes forward it is not the same plan. He said the feeding ban will not solve the problem and said we need to bring people into the conversations who want to feed the ducks as well. Mayor Hanks pointed out that the first reading would be an opportunity to look at all options. Olson urged the Council to read the management plan and refresh their memory to the fact that the committee looked globally at the issue. Waugh pointed out that someone on the Council may have changed their mind to change the vote which could approve or disapprove the ordinance. Motion carried.

Alderman Hadcock wished everyone a Merry Christmas and Happy New Year from the City Council. She also wanted to remember the troops as they are fighting for us and our freedom.

### ***Appeals***

#### *Sign Code Appeals*

Motion was made by Olson, second by Waugh, to uphold the denial of (No. CC120709-05) A request by Lighting Maintenance Company for a pole sign permit. Olson indicated the sign board vote was actually 3 to 1. Weifenbach pointed out that the approval vote was 2 to 2 and one person abstained due to his relationship with the applicant. They voted again on the denial and the vote was 3 to 1. Weifenbach said he did some research and explained his findings. He said there has been no opposition to the sign and removing it does affect their ability to advertise.

Substitute motion was made by Weifenbach, second by Hadcock, to approve the request to override the denial of the Sign Board of Appeals. Elkins confirmed there have been no complaints about the sign but there were inquiries about variance requests. When individuals were made aware of the request, they did not object. Hadcock reiterated that the sign helps the business, and she does not see a reason to deny. Responding to Kooiker, Elkins said they could stipulate that the sign could not become an off-premise sign. However, Green said he does not believe that is legally appropriate as they need to either permit the sign or not permit it. If it is converted, there is a specific process to go through which would allow time

for review. Responding to Kooiker, Schumann confirmed he does not plan to turn this into an off-premise sign. Olson asked about signs in the community on permanent easement and asked if this could become in that classification. Green said there is a prohibition in the sign code for converting signs, and he said for the most part you cannot convert on-premise signs to off-premise under the current sign code. This particular sign will be an on-premise sign. Responding to LaCroix, Green said the Council member on the Sign Code Board of Appeals is a voting member. Responding to Costello, Schumann said their long-term goal is to sell the property, so he does not anticipate wanting to move the sign back again once it is moved. Upon vote being taken, the following voted AYE: Kroeger, Hadcock, Martinson, Kooiker, Costello, LaCroix and Weifenbach; NO: Waugh and Olson. Motion carried.

### **PUBLIC HEARING ITEMS** – Items 84 – 125

Motion was made by Costello, second by LaCroix and carried to open the public comment for items 84 to 125. David Miller stated that he is available for questions on Items 114 and 115.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Item 84

Motion was made by Costello, second by Olson, to continue to the January 19, 2010 City Council meeting (No. 09SV015) A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of the \_\_\_\_\_ Subdivision, located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, located at the southeast corner of the intersection of Fifth Street and Catron Boulevard. Responding to Costello, Elkins explained that the subdivision is not been named yet. Motion carried.

### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Waugh, second by Olson and carried to close the public comment for items 84 – 125.

### **CONSENT PUBLIC HEARING ITEMS** – Item 85 – 113

87. Leather Unlimited, Inc. DBA Someone's In The Kitchen, 2210 Haines Ave. for a 2010 Retail (on-off sale) Wine License

113. No. LF111009-07 - Resolution Levying Assessment for the Cleanup of Miscellaneous Property

Motion was made by Olson, second by LaCroix and carried to approve the following items as they appear on the Consent Public Hearing Items.

### ***Growth Management Items***

85. No. 09CA031 – Approve a request by Renner & Associates for Rapid City Area School District No. 51-4 for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public with Flood Hazard to Civic Center** on a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of

367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less, located south of Central High School between North Mount Rushmore Road and West Boulevard North and north of Omaha Street.

RESOLUTION #2009-176  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21<sup>st</sup> day of December, 2009, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Public with Flood Hazard to Civic Center, on a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City, common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, said Parcel contains 81,160 square feet or 1.863 acres more or less; and

WHEREAS, it appears that good cause exists to amend the Comprehensive Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Public with Flood Hazard to Civic Center, on a portion of Tract 19 of Rapid City Greenway Tract, located in Section, 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeasterly corner of Lot RU-302A of the Original Townsite of Rapid City,

common to a corner on the north boundary of Tract 19 of the Rapid City Greenway Tract, and the point of beginning, Thence, first course: S12°41'52"W, a distance of 204.24 feet; Thence, second course: N76°56'41"W, a distance of 367.77 feet; Thence, third course: N13°03'19"E, a distance of 301.94 feet, to a point on the northerly boundary of said Tract 19, common to a point on the southerly boundary of said Lot RU-302A; Thence, fourth course: S77°18'14"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 65.68 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, fifth course: S12°41'52"W, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 100.00 feet, to a corner on the northerly boundary of said Tract 19, common to a corner on the southerly boundary of said Lot RU-302A; Thence, sixth course: S77°18'13"E, along the northerly boundary of said Tract 19, common to the southerly boundary of said Lot RU-302A, a distance of 300.20 feet, to a corner on the northerly boundary of said Tract 19, common to southeasterly corner of said Lot RU-302A, and the point of beginning, as attached to the original hereof be filed with the City Finance Office

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

86. No. 09SV023 – Approve a request by Sperlich Consulting, Inc. for Triple Z Estate Development for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along the access easement, to reduce the access easement width from 45 feet to 16 feet, and to reduce the pavement width from 20 feet to 9 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 19 of Block 11 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as A portion of Tract 1 and a portion of Tract 2, located in the E1/2 of Section 16, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwest corner of Lot 18 of Block 11, Elks Country Estates Located in the E1/2 of the SE1/4 of Section 16, T1N, R8E, BHM, and common to the Jolly Lane right-of-way of record; Thence, first course: N53°23'47"E, along the south boundary of said Lot 18 of Block 11 of Elks Country Estates, a distance of 85.00 feet; Thence, second course: S21°21'11"E, a distance of 200.51 feet; Thence, third course: S65°23'01"W, a distance of 20.36 feet; Thence, fourth course: S65°23'12"W, a distance of 64.64 feet; Thence, fifth course: a curve common to the Jolly Lane right-of-way with a length of 183.19 feet, a radius of 1200.00 feet, a delta of 08°44'47", a cord bearing of N20°27'32"W, and a cord distance of 183.01 feet and the southwest corner of Lot 18 of Block 11, Elks Country Estates and the Point of Beginning, located south and east of the intersection of Padre Drive and Jolly Lane.

### ***Alcohol Licenses***

88. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main St. for a 2010 Retail (on-off sale) Wine License
89. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main St. for a Retail (on-off sale) Malt Beverage License

90. Charles J. Desmond DBA Ifrit's Hookah Lounge, 725 St. Joseph St. for a 2010 Retail (on-off sale) Wine License
91. Charles J Desmond DBA Ifrit's Hookah Lounge, 725 St. Joseph St. for a Retail (on-off sale) Malt Beverage License
92. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event on January 12, 2010 at Black Hills Community Bank, 840 Mt. Rushmore Rd.

**Retail (on-off sale) Wine License Renewals**

93. S&Y Inc. DBA Golden Phoenix Restaurant, 2421 W. Main St, for a Retail (on-off sale) Wine License
94. Botticellis Ristorante Italiano Inc. DBA Botticellis Ristorante Italiano, 523 Main St. for a Retail (on-off sale) Wine License
95. Delmonico Grill Inc. DBA Delmonico Grill, 609 Main St. for a Retail (on-off sale) Wine License
96. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St. for a Retail (on-off sale) Wine License
97. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street #520 for a Retail (on-off sale) Wine License
98. Yeung Inc. DBA Imperial Chinese Restaurant, 702 E. North Street for a Retail (on-off sale) Wine License
99. Northstar Inc. DBA Hunan's Restaurant, 1720 Mt. Rushmore Rd. for a Retail (on-off sale) Wine License
100. Dan Trieu Ly DBA Golden Fortune, 1204 E North St. for a Retail (on-off sale) Wine License

**Package (off-sale) Liquor License Renewals**

101. Gentner and Salter LLC DBA The Wine Rack, 5734 Sheridan Lake Rd. Ste. 202 for a Package (off-sale) Liquor License
102. Lily Corp DBA Flowers By LeRoy, 2016 W Main St. for a Package (off-sale) Liquor License
103. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street #520 for a Package (off-sale) Liquor License
104. Safeway Stores 46 Inc. DBA Safeway Store #1554 , 730 Mt. View Rd. for a Package (off-sale) Liquor License
105. Safeway Stores 46 Inc. DBA Safeway Store #581 , 2120 Mt. Rushmore Rd. for a Package (off-sale) Liquor License
106. Nauman Flying Service Inc. DBA Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd. 103 for a Package (off-sale) Liquor License

**Retail (on-sale) Liquor License Renewals**

- 107. Dubin Square Inc. DBA Dublin Square, 504 Mt. Rushmore Rd. for a Retail (on-sale) Liquor License
- 108. Rushmore Plaza Civic Center Board DBA Rushmore Plaza Civic Center, 444 Mt. Rushmore Rd. for a Retail (on-sale) Liquor License
- 109. VFW DBA Rushmore Post 1273, 420 Main St. for a Retail (on-sale) Liquor License
- 110. Martom Management DBA Day's Inn Lounge, 725 Jackson Blvd. for a Retail (on-sale) Liquor License
- 111. Lost Steer LLC DBA The Lost Steer, 5412 S Hwy 16 for a Retail (on-sale) Liquor License

**Assessment Rolls**

- 112. No. PW111009-13 - Resolution Levying Assessment for the South Street Sanitary Sewer Main Extension, Project No. SS09-1775 / CIP No. 50755

RESOLUTION #2009-179  
 RESOLUTION LEVYING ASSESSMENT FOR  
 SOUTH STREET SANITARY SEWER EXTENSION  
 PROJECT NO. SS08-1775 / CIP NO. 50755

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 property cleanup is the amount stated in the proposed assessment roll.
- 2. The Assessment Roll for South Street Sanitary Sewer Extension Project No. SS08-1775 / CIP No. 50755 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 one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 21st day of December, 2009.

ATTEST:  
 s/ James F. Preston  
 Finance Officer

CITY OF RAPID CITY  
 s/ Alan Hanks, Mayor

(SEAL)

**END OF CONSENT PUBLIC HEARING CALENDAR**

The Mayor presented a request by Leather Unlimited, Inc. DBA Someone's In The Kitchen, 2210 Haines Ave. for a 2010 Retail (on-off sale) Wine License. Motion was made by Olson, second by Waugh, to approve the request.

Substitute motion was made by LaCroix, second by Waugh and carried to continue the request to the January 19, 2010 City Council meeting.

The Mayor presented a (LF111009-07) Resolution Levying Assessment for the Cleanup of Miscellaneous Property. Motion was made by Olson, second by Waugh, to approve the resolution. Thom explained that this arose from a code enforcement action. They used County records to assess the properties and the records were not updated, which caused a new property owner to receive the assessment notice.

Amendment motion was made by Weifenbach, second by Waugh and carried to remove item 4 from the assessment roll. Motion carried.

Upon vote being taken on the motion to approve the resolution as amended, motion carried.

RESOLUTION #2009-180  
RESOLUTION LEVYING ASSESSMENT FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

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 property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property 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 one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 21st day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 114 – 125

The Mayor presented a Public Hearing for a Resolution of Intent to Enter into Lease with Youth and Family Services. Motion was made by Olson, second by Waugh and carried to open the public hearing for item 114. No comments were offered.

Motion was made by LaCroix, second by Waugh and carried to close the public comment for item 114.

Motion was made by Olson, second by LaCroix and carried to (No. LF121609-24) Approve request from David Miller at YFS to authorize Mayor and Finance Officer to sign Amendment of Lease for 410 East Monroe Street and Acknowledgement of Assignment of Lease to Youth and Family Services, Inc.

The Mayor presented a Public Hearing for a Resolution of Intent to Enter into Exchange of Land with St. Joe Development, LLC Pursuant to SDCL 9-27-34.1. Motion was made by Olson, second by LaCroix, to open the public hearing for Item 116. Green explained that the City agreed to enter into an arrangement to trade property for the parking ramp portion of a future building that is to be constructed. Motion carried. No comments were offered.

Motion was made by Olson, second by LaCroix and carried to close the public hearing for item 116.

Motion was made by Olson, second by LaCroix and carried to Authorize Mayor and Finance Officer to sign deeds and other necessary closing documents for the property at 6th and St. Joe pursuant to the MOU previously approved by Council.

Motion was made by Olson, second by Waugh and carried to acknowledge the applicant's withdrawal of (No. 09PD051) An **Appeal of the Planning Commission's decision** on a request by Dream Design International, Inc. for a **Planned Commercial Development - Initial and Final Development Plan** on a portion of Tract C of Rushmore Center, located in E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°51'06"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.46 feet to the southeasterly corner of said Tract A, common to the southwesterly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°52'33"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 9.77 feet; Thence, third course: S29°09'15"W, distance of 115.47 feet; Thence, fourth course: S00°06'45"W, distance of 153.92 feet; Thence, fifth course: N89°50'08"W, distance of 214.75 feet, to a point on the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way; Thence, sixth course: N00°09'48"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 328.13 feet; Thence seventh course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 08°35'09", a length of 80.32 feet, a chord bearing of N04°09'13"W, and chord distance of 80.25 feet, to the northwesterly corner of said Tract C, common to a corner on the southerly boundary of said Tract A, and the point of beginning, located at 1520 Luna Avenue.

Ordinance 5553 (No. 09RZ044) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2850 Terra Street - East of Valley Drive having passed its first reading on November 2, 2009; motion was made by Olson, second by Waugh, that the title be read the second time and be approved in conjunction with the associated Planned Residential Development – Initial and Final Development Plan. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5553 was declared duly passed upon its second reading.

Ordinance 5564 (No. 09RZ050) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lots 1A, 1B, 1C, 1D, 1E all of Lot 1, Lot 2, Lots 11 thru 12, Lots 24 thru 25, Lots 27 thru 29, Lots 39 thru 40, Lots 43 thru 55, Lots 59 thru 69, Scott Street right-of-way, Cactus Drive right-of-way, and the E. Fairmont Street right-of-way north of Section line all of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3025 South Valley Drive having passed its first reading on

December 7, 2009; motion was made by Olson, second by LaCroix, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5564 was declared duly passed upon its second reading.

Ordinance 5565 (No. 09RZ051) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 18 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2805 Cactus Drive having passed its first reading on December 7, 2009; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5565 was declared duly passed upon its second reading.

Ordinance 5566 (No. 09RZ052) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 9 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2810 E. Fairmont Street having passed its first reading on December 7, 2009; motion was made by Olson, second by LaCroix, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5566 was declared duly passed upon its second reading.

Ordinance 5567 (No. 09RZ053) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 3 of Melody Acres No. 2 located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2708 E. Fairmont having passed its first reading on December 7, 2009; motion was made by Olson, second by LaCroix, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5567 was declared duly passed upon its second reading.

Motion was made by Olson, second by Costello and carried to continue to the January 4, 2010 City Council meeting Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, street light conduit, sidewalk along one side of the street and water along the access street as they abut a portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-

way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning located at 6299 East Highway 44. (09SV020)

The Mayor presented (No. 09SV020) A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons 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 reduce the street surface width from 24 feet to 18 and 10 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as A portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44. Motion was made by Olson, second by LaCroix and carried to continue to the January 4, 2010 City Council meeting.

**BILLS**

The following bills have been audited:

Payroll Paid Ending 12-05-09, Paid 12-11-09	863,837.07
Pioneer Bank, Taxes Paid 12-11-09	196,865.56
Black Hills Power, electricity	21,949.97
First Administrators, claims paid 12-09-09	98,847.12
First Administrators, claims paid 12-15-09	155,867.14
West River Electric, electricity	18,331.03
Computer Bill List	<u>6,366,748.31</u>
Subtotal	\$7,722,446.20
Payroll Paid Ending 12-05-09, Paid 12-11-09	2,866.49
Pioneer Bank, Taxes Paid 12-11-09	219.28
City of Rapid City, Health Insurance	962.50
Knology	5.21
Metropolitan Life	6.42
City of Rapid City – Postage	173.52
Wright Express, gas	<u>153.23</u>
Total	\$7,726,832.85

Preston requested to add a payment to Hills Materials Company for Change Order #1 Final for the Main Fire Station Water Line in the amount of \$1,404.00. The new bill list total is \$7,728,236.85. Motion was

made by Weifenbach, second by Olson and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

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

Motion was made by Costello, second by LaCroix and carried to go into Executive Session at 8:17 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 9:00 P.M. with all members present.

**STAFF DIRECTION**

Motion was made by LaCroix, second by Olson and carried to direct the City Attorney to notify AFSCME of the City's final best offer.

In accordance with the Council's previous direction, the FOP membership has voted to approve the contract, so Green recommended approval as it is consistent with the City's final best offer. Motion was made by LaCroix, second by Olson, to (No. LF102809-19) Authorize the Mayor and Finance Officer to sign Agreement by and between the Fraternal Order of Police South Dakota Lodge, #2A and the City of Rapid City. Green indicated that there have been a number of meetings and spirited discussions regarding salaries, and he said that the bargaining team was highly professional and a good team to work with. Motion carried.

Motion was made by LaCroix, second by Waugh and carried to Direct City Staff to notify Fish Garbage Inc. that their license will not be renewed and to set a public hearing at the January 19, 2010 City Council meeting with an option for Fish Garbage Service Inc. to request an earlier hearing.

Motion was made by LaCroix, second by Waugh and carried to authorize the Mayor and Finance Officer to sign a letter of engagement with Nooney, Solay and VanNorman to represent the City of Rapid City in civil litigation with Fish Garbage Service Inc.

Motion was made by LaCroix, second by Waugh and carried to direct litigation with Fish Garbage Service Inc. be initiated post haste.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 9:03 P.M.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Office

\_\_\_\_\_  
Mayor

(SEAL)