

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

December 7, 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 7, 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, Malcom Chapman, Karen Gundersen Olson, Ron Weifenbach, and Ron Kroeger; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Deb Hadcock.

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, Fire Chief Mark Rohlfing, Parks and Recreation Director Jerry Cole, Community Resource Director Kevin Thom, and Administrative Coordinator Amber Sitts.

**ADOPTION OF AGENDA**

Motion was made by Chapman, second by Costello and carried to adopt the agenda as published.

**APPROVE MINUTES**

Motion was made by Chapman, second by Olson and carried to approve the minutes for the November 16, 2009 City Council meeting.

**GENERAL PUBLIC COMMENT**

Brett Trotter requested a traffic survey be conducted in two locations: Mt. Rushmore Road near the hospital and on Catron Boulevard near Sheridan Lake Road. He does not think the speed limits in these areas are reasonable or justifiable and said they are artificially low. Mayor Hanks suggested that Mr. Trotter attend the next Legal and Finance meeting to speak about this issue and also meet with the Police Chief and Public Works Director for more information.

**NON-PUBLIC HEARING ITEMS** -- Items 1 – 119

Motion was made by Olson, second by Costello and carried to open the public comment for items 1 – 95. No comments were offered.

Motion was made by Olson, second by Costello and carried to close the public comment for items 1 – 95.

**CONSENT ITEMS** – Items 1 – 88

The following items were removed from the Consent Items:

34. PW120109-08 – Approve Change Order No. 2F to Mainline Contracting Inc., for the Blaine, Halley, Holcomb, E. Jackson, N. Maple Sewer Reconstruction, Project No. SS08-1711 / CIP No. 50420, for an increase of \$44,567.02.
35. PW120109-09 – Approve Change Order No. 1F to Heavy Constructors, Inc., for the East Philadelphia Street 16" Water Main Transmission, Project No. W09-1793 / CIP No. 50760, for an increase of \$12,871.89.

50. Request the Mayor to draft and sign a letter to Youth and Family Services demonstrating the City's ongoing commitment and the Council's intent to enter into an extended lease and stating that the delay by the City is based on the requirement that the City Council hold a public hearing.
53. No. LF120209-03 - Acknowledge the report regarding the 2012 process – phase 4.
61. No. LF120209-10 – Authorize staff to purchase one 2010 Chevy Tahoe from Beck Motors in the amount of \$28,373 under State Contract.
68. No. LF120209-17 – Approve renewal of City's insurance package for FY 2010.
75. No. LF120209-23 – Preliminarily approve Subsidy Committee recommendations for the Community Development Block Grant FY 2010 Annual Action Plan and Amendment for Reallocation of Funds in the amount of \$182,778.
79. No. LF120209-26 – Approve Resolution No. 2009-165 Establishing Rates for the Rapid City Aquatics Division.
80. No. LF120209-27 – Approve Resolution No. 2009-164 Establishing Rates for the Roosevelt Park Ice Arena.

Motion was made by Chapman, second by Olson and carried to approve the following items as they appear on the Consent Items:

***Alcoholic Beverage License Applications Set for Hearing (December 21, 2009)***

1. Leather Unlimited, Inc. DBA Someone's In The Kitchen, 2210 Haines Ave. for a 2010 Retail (on-off sale) Wine License
2. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main St. for a 2010 Retail (on-off sale) Wine License
3. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main St. for a Retail (on-off sale) Malt Beverage License
4. Charles J. Desmond DBA Ifrit's Hookah Lounge, 725 St. Joseph St. for a 2010 Retail (on-off sale) Wine License
5. Charles J Desmond DBA Ifrit's Hookah Lounge, 725 St. Joseph St. for a Retail (on-off sale) Malt Beverage License
6. 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**

7. S&Y Inc. DBA Golden Phoenix Restaurant, 2421 W. Main St, for a Retail (on-off sale) Wine License
8. Botticellis Ristorante Italiano Inc. DBA Botticellis Ristorante Italiano, 523 Main St. for a Retail (on-off sale) Wine License

9. Delmonico Grill Inc. DBA Delmonico Grill, 609 Main St. for a Retail (on-off sale) Wine License
10. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St. for a Retail (on-off sale) Wine License
11. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street #520 for a Retail (on-off sale) Wine License
12. Yeung Inc. DBA Imperial Chinese Restaurant, 702 E. North Street for a Retail (on-off sale) Wine License
13. Northstar Inc. DBA Hunan's Restaurant, 1720 Mt. Rushmore Rd. for a Retail (on-off sale) Wine License
14. Dan Trieu Ly DBA Golden Fortune, 1204 E North St. for a Retail (on-off sale) Wine License

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

15. Gentner and Salter LLC DBA The Wine Rack, 5734 Sheridan Lake Rd. Ste. 202 for a Package (off-sale) Liquor License
16. Lily Corp DBA Flowers By LeRoy, 2016 W Main St. for a Package (off-sale) Liquor License
17. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street #520 for a Package (off-sale) Liquor License
18. Safeway Stores 46 Inc. DBA Safeway Store #1554 , 730 Mt. View Rd. for a Package (off-sale) Liquor License
19. Safeway Stores 46 Inc. DBA Safeway Store #581 , 2120 Mt. Rushmore Rd. for a Package (off-sale) Liquor License
20. 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**

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

***Public Works Committee Consent Items***

26. PW120109-01 – Acknowledge the report on Rapid City Trolley.

27. Direct staff to work with the DOT to review the need for a westbound left turn arrow or any other signal modification and to report back to the Public Works Committee in two weeks.
28. PW120109-02 – Correct the bid amount to KRM Concrete, LLC for CSAC Front Steps/ADA Ramp Improvements, Project No. GB09-1808, from \$27,027.00 to \$27,024.92.
29. PW120109-03 – Approve Change Order No. 1F to KRM Concrete, LLC, for the CSAC Front Steps/ADA Ramp Improvements, Project No. GB09-1808, for a decrease of \$720.00.
30. PW120109-04 – Approve Change Order No. 1F to Stanley J. Johnsen Concrete, Inc., for the Universal Drive Reconstruction, Project No. ST08-1701 / CIP No. 50398, for a decrease of \$42,031.87.
31. PW120109-05 – Approve Change Order No. 2F to SECO Construction, Inc., for the West Main Street & Creek Drive Bridge Repairs, Project No. ST09-1800 / CIP No. 50752, for a decrease of \$1,377.89.
32. PW120109-06 – Approve Change Order No. 1F to J&J Asphalt Company, for the Downtown Alleys Reconstruction, Project No. ST09-1821 / CIP No. 50379, for an increase of \$2,677.98.
33. PW120109-07 – Approve Change Order No. 1F to Hills Materials Company, for the Street Rehab- Alta Vista Street/St. Cloud Street, Project No. ST09-1815 / CIP No. 50549, for a decrease of \$4,224.14.
36. PW120109-10 – Approve Change Order No. 1 to Rangel Construction Co. LLC, for the Fire Station #7, Project No. FD09-1767, for an increase of \$2,910.67.
37. PW120109-11 – Approve Change Order No. 4F to Knife River Midwest, LLC, for the East Mall Drive Connection – N. La Crosse Street to E. North Street, Project No. ST06-1334b / CIP No. 50521, for a decrease of \$200,863.85.
38. PW120109-12 – Approve Change Order No. 9 to Sampson Construction, for the Rushmore Plaza Civic Center Multipurpose Addition – Bid Package 2, Project No. IDP06-1555, for an increase of \$52,946.00.
39. PW120109-13 – Authorize Staff to Advertise for Bids for Cold Water Meters – Estimated cost: \$145,000.00.
40. PW120109-14 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with Dream Design International, Inc., for the Easy Street Sanitary Sewer Extension, Project No. SS09-1829 / CIP No. 50776. No cost time extension.
41. PW120109-15 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to the Agreement with Burns & McDonnell Engineering Company, Inc., for the Water Reclamation Facility Digester Repair and Improvements-Phase II, Project No. WRF07-1549A / CIP No. 50581, for an increase of \$4,778.00.
42. PW120109-16 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and Ferber Engineering Company, Inc., for the Jackson Springs Water Treatment Plant Survey Services, Project No. W07-1689 / CIP No. 50696, in the amount of \$19,680.00.

- 43. PW120109-17 – Authorize Mayor and Finance Officer to Sign an Agreement with Johnson Controls Inc. for Interconnection with City Ethernet between the MRF and the Energy Plant in the amount of \$5,050.00.
- 44. PW120109-18 – Authorize Mayor and Finance Officer to Sign a Utilities Certificate with SD Department of Transportation, St. Joseph Street Landscaping, Project No. ST09-1818 / CIP No. 50771.
- 45. PW120109-19 – Authorize Mayor and Finance Officer to Sign a Right of Way Certificate with SD Department of Transportation, St. Joseph Street Landscaping, Project No. ST09-1818 / CIP No. 50771.
- 46. PW120109-20 – Authorize Mayor and Finance Officer to Sign Agreements for Voluntary Right of Way Donations (Temporary Easements), for the Anamosa Street Reconstruction, Project No. ST07-1472 / CIP No. 50519.
- 47. PW120109-21 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement with FMG, Inc., for Geotechnical, Construction Materials and QA/QC Investigations, Project No. PW09-1787 / CIP No. 50637. No cost time extension.
- 48. PW120109-22 – Approve Change Order No. 5 to RCS Construction, for Vickie Powers Park, Project No. PR08-6002, in the amount of \$2,100.00 to install sidewalk behind restroom facility (funding included in original contract amount).
- 49. No. 09RD003 – Approve a request by City of Rapid City for a **Resolution for a Road Name Change from Menard Drive to Century Road** on Menard Drive Right-of-way lying adjacent to Lots B and C of Menard Subdivision Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located lying between East North Street and North Creek Drive. *(Continued from September 21 and November 16, 2009 City Council meetings)*

RESOLUTION #2009-117  
RESOLUTION RENAMING MENARD DRIVE TO CENTURY ROAD

BE IT RESOLVED, by the City of Rapid City, that the Menard Drive Right-of-way lying adjacent to Lots B and C of Menard Subdivision Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Century Road.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**Legal & Finance Committee Consent Items**

- 51. No. LF101409-01 – Approve Resolution of Intent to Enter into Lease with Youth and Family Services.

RESOLUTION #2009-175  
A RESOLUTION OF INTENT TO ENTER INTO LEASE OF

LAND WITH YOUTH AND FAMILY SERVICES  
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into a lease of real property with Youth and Family Services which property is located at 410 East Monroe Street and is legally described as follows:

Lot A of Block 12, a portion of vacated Adams Street and the West one-half of vacated Racine Street all of Wises Addition, located in the NW¼ of Section 31, Township 2 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 21st day of December, 2009, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 52. No. LF120209-01 - Request staff to draft an ordinance amendment to Section 15.28.050 of the Rapid City Municipal Code relating to conversion of an on-premise sign to an off-premise sign and bring it to the December 16, 2009, Legal and Finance Committee meeting.
- 54. No. LF120209-04 - Request staff to look into the U. S. Communities Government Purchasing Alliance and determine if this is something the community should be doing.
- 55. No. LF120209-05 – Acknowledge Capital Improvements Program Committee monthly update for November 2009.
- 56. No. LF120209-06 – Approve the Capital Plan for Streets, Drainage, MIP Projects for November 2009.
- 57. Approve funding the ADA compliant crosswalk at the south side of Oakland Street across 5th Street with enhanced street lighting in 2010 with \$25,000 from Contingency Inflation for 8910 – Streets.
- 58. No. LF120209-07 – Approve the recommendation of the Parks and Recreation Advisory Board to fund the following projects from the Park/Recreation Facility Grant Program Fund: 1) Mary Hall Park Committee (irrigation system) \$2,500; 2) RC Softball Association (retaining wall improvements) \$24,899; and 3) Storybook Island, Inc. (sidewalk improvements) \$12,499.
- 59. No. LF120209-08 – Approve \$40,000 from the 2010 CIP Drainage Funds for storm water quality.

- 60. No. LF120209-09 – Approve Travel Request for Steve Allender and 31 various staff members to attend Annual Goals Meeting at the Rapid City Civic Center January 6-8, 2010, in the approximate amount of \$900.
- 62. No. LF120209-12 – Authorize Mayor and Finance Officer to execute Covenant Agreement with HDRK Properties, LLC for Water Shut-off Valve Access on Tract C of Rushmore Center.
- 63. No. 09TP031 – Authorize Mayor and Finance Officer to sign a No Cost, Time Extension with Kadmas Lee & Jackson to March 31, 2010 for the Mount Rushmore Road Central Corridor Analysis.
- 64. No. LF120209-13 – Approve amendments to the Rapid City Area Air Quality Board.
- 65. No. LF120209-14 – Authorize Public Works and Growth Management to purchase imaging system.
- 66. No. LF120209-16 – Approve Resolution (#2009-162) Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION #2009-162  
RESOLUTION WRITING OFF UNCOLLECTIBLE ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$5,269.07 are uncollectible, and

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

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

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 67. Acknowledge the following volunteers for workmen’s compensation purposes: Mike LaCroix, Tricia Johnson, Savannah Williamson.
- 69. No. LF120209-18 – Approve Travel Request for Angela Tallon to attend ESRI Introduction to ArcGIS Server Class January 26-27, 2010, in Broomfield, CO, in the approximate amount of \$1,670.
- 70. No. LF120209-19 – Approve Resolution No. 2009-153 to Establish the Non-Union Position of Storm Water Specialist.

RESOLUTION NO. 2009-153  
RESOLUTION TO ESTABLISH THE NON-UNION POSITION

OF STORM WATER SPECIALIST

WHEREAS, the Growth Management Department Director has requested that the position of Storm Water Specialist should be established to provide the necessary services in Growth Management for the City of Rapid City; and

WHEREAS, an evaluation established that the duties and responsibilities of the following position justify placing the classification within Grade 16 of the Non-Union pay scale;

Job Title	Grade	Wage
Storm Water Specialist	16	\$36, 545 to \$55, 598/annually

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union pay scale by adding the above position classification description at the grade recommended in the job evaluation.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 71. No. LF120209-20 – Approve Resolution No. 2009-161 to Establish the Non-Union Position of Re-Entry Program Coordinator.

RESOLUTION NO. 2009-161  
RESOLUTION TO ESTABLISH THE NON-UNION POSITION  
OF RE-ENTRY PROGRAM COORDINATOR

WHEREAS, the Community Resources Department Director has requested that the position of Re-Entry Program Coordinator should be established to provide the necessary services in Community Development for the City of Rapid City; and

WHEREAS, an evaluation established that the duties and responsibilities of the following position justify placing the classification within Grade 16 of the Non-Union pay scale;

Job Title	Grade	Wage
Re-Entry Program Coordinator	16	\$36, 545 to \$55, 598/annually

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union pay scale by adding the above position classification description at the grade recommended in the job evaluation.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 72. Approve request to create the non-union position of Re-Entry Coordinator at Grade 16 and authorize an additional FTE.
- 73. No. LF120209-21 – Approve Resolution No. 2009-160 Summary of Material Modifications No. 4.

RESOLUTION NO. 2009-160  
 RESOLUTION APPROVING MATERIAL MODIFICATION NO. 4 TO THE CITY  
 OF RAPID CITY MEDICAL AND DENTAL PLANS.

This modification is made as of January 1, 2010, by the City of Rapid City to the City of Rapid City Medical and Dental Plans. All other terms and provisions of the Plan remain unaltered and in effect.

The following text replaces the “Dental Schedule of Benefits” of the “Schedule of Benefits” section in the Summary Plan Description.

DENTAL SCHEDULE OF BENEFITS

DENTAL BENEFITS	PLAN PAYS	YOU PAY	GENERAL PLAN LIMITS	PAGE
Dental Benefits	50%	50%	Deductible waived.	

Limited to \$1,500 per calendar year per participant.

Dated this 7th day of December, 2009.

ATTEST:  
 s/ James F. Preston  
 Finance Officer

CITY OF RAPID CITY  
 s/ Alan Hanks, Mayor

(SEAL)

- 74. No. LF120209-22 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2009 Community Development Block Grant Sub-Recipients The Club for Boys.
- 76. No. LF120209-24 – Approve Travel Request for Dan Coon, Rodell Grosz, David Johnson, and Ron Eikenberry to attend Erosion and Sediment Control Class in Fort Pierre, SD, December 14-16, 2009, in the approximate amount of \$1,558.08.
- 77. No. LF120209-38 - Refer to the Public Works Committee discussion on providing equipment and manpower to clean up Canyon Lake Park, Roosevelt Park, and Memorial Park.
- 78. No. LF120209-25 – Approve Resolution No. 2009-163 Establishing 2010 Golf Course Fees.

RESOLUTION No. 2009-163  
 ESTABLISHING 2010 GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from January 1, 2010, through December 31, 2010.

- (1) Meadowbrook Golf Course Daily Green Fees (Includes development fee.)

(All 2010 Rates Include Sales Tax)

	<u>2010</u>
9 Hole 7 Day	\$24.00
9 Hole Jr/Sr	\$22.00
9 Hole Twilight	\$17.00
18 Hole 7 Day	\$38.00
18 Hole Jr/Sr	\$34.00
18 Hole Twilight	\$27.00

(2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee.)

	<u>2010</u>
Adult Single	\$600.00
Adult Couple **	\$960.00
Senior Single	\$540.00
Senior Couple**	\$835.00
City Employee	\$425.00
Junior (18 & under)	\$180.00
College	\$230.00
Range Ball (Sm)	\$ 5.00
Range Ball (Lg)	\$ 7.00
Range Ball (25 P)	\$150.00
10-9 Hole PC	\$200.00
25-9 Hole PC	\$425.00

\*\* Couple means married couple as defined under South Dakota law.

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

	<u>2010</u>
Cart Storage	\$380.00
Trail Fee Annual	\$208.00
Trail Fee Daily	\$ 15.00
Cart Rental (9-Hole)	\$ 17.00
Cart Rental (18 Hole)	\$ 27.00
18 Hole ½ Cart	\$ 14.00
9-Hole ½ Cart	\$ 10.00
Annual Cart Rental Single Seat	\$430.00
Annual Cart Rental Season Pass (Family)	\$745.00
Locker Rental	\$ 45.00

(4) Executive Daily Green Fees (Includes development fees.)

	<u>2010</u>
9 Hole Mon-Sun	\$ 9.00
9 Hole Twilight	\$ 7.00
9 Hole Junior	\$ 6.00
All Day Rate	\$ 15.00

Fees applicable Memorial Day through Labor Day

(5) Executive Season Passes / Punch Cards / Cart Rentals

	<u>2010</u>
10-9 Hole PC	\$100.00
25-9 Hole PC	\$210.00
Adult Single	\$334.00
Adult Couple	\$432.00
Senior Single	\$299.00
Senior Couple	\$403.00
Junior (18 & under)	\$ 50.00
Cart Rental (Per 9)	\$ 13.00

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established for use at the Rapid City Municipal Golf Courses, effective from January 1, 2010, through December 31, 2010:

Development Fees: (Includes sales tax)

	<u>2010</u>
Meadowbrook (9Hole)	\$1.00
Meadowbrook (18 Hole)	\$2.00
Executive (9 Hole)	\$1.00

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season pass holders and punch card holders at tee time. This fee will be used for capital improvements.

BE IT FURTHER RESOLVED that as used in this Resolution:

1. Carts are available for individuals ages 18 and over.
2. Junior Passes shall be for persons ages 18 years and younger.
3. College Student Passes shall be for any student who can produce documentation to indicate full-time college status (signed up for 12 credit hours in the semester in which the pass is purchased), or

Documentation showing registration in a Masters or PhD program with a minimum of 9 credit hours in the semester in which the pass is purchased.

4. All passes will allow play at the Executive Golf Course.

BE IT FURTHER RESOLVED that the Parks and Recreation Director is hereby authorized to offer special rates for play on Meadowbrook and Executive Golf Courses as he shall determine to be appropriate for the purpose of encouraging play on said courses.

Footnotes:

- (a) Punch cards will be good for current year only.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 81. No. LF120209-37 – Authorize Mayor and Finance Officer to sign SD DOT Work Order No. LGA-99-09 for Agreement No. 713770 for Greenway Pedestrian and Bike Path Extension Project EM8052(59) PCN 010E.
- 82. No. LF120209-28 – Authorize Mayor and Finance Officer to sign Covenant Agreement with SoDak Development.
- 83. No. LF120209-29 – Set for hearing on December 21, 2009, exchange of land with St. Joe Development, LLC for the exchange of property at Sixth and St. Joe Street.

A RESOLUTION OF INTENT TO ENTER INTO EXCHANGE OF  
LAND WITH ST. JOE DEVELOPMENT, LLC PURSUANT TO SDCL 9-27-34.1

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into an exchange of land with St. Joe Development, LLC which property is located at 6th and St. Joe Street and is legally described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block 95 of the Original Townsite of the City of Rapid City, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 21st day of December, 2009, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing an exchange upon the terms and conditions as it shall determine in said resolution.

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 84. No. LF120209-30 – Acknowledge raffle request from Black Hills Center for Equality, Inc.
- 85. No. LF120209-31 – Acknowledge raffle request from Rapid City Ducks Unlimited.
- 86. No. LF120209-32 – Acknowledge raffle request from Western Dakota Tech.

87. No. LF120209-33 – Acknowledge raffle request from Black Hills Quilters Guild.
88. No. LF120209-34 – Approve abatement for Delores C Lowell Trust for 2008 in the amount of \$7,198.78.

## END OF CONSENT CALENDAR

Motion was made by LaCroix, second by Chapman, to (PW120109-08) Approve Change Order No. 2F to Mainline Contracting Inc., for the Blaine, Halley, Holcomb, E. Jackson, N. Maple Sewer Reconstruction, Project No. SS08-1711 / CIP No. 50420, for an increase of \$44,567.02. Ellis explained that this is the final change order settling several bid items. The bulk of the amount is for additional servicing of the street as they felt it was necessary to add additional asphalt based on the condition of the street. Motion carried.

Motion was made by Costello, second by Waugh, to (PW120109-09) Approve Change Order No. 1F to Heavy Constructors, Inc., for the East Philadelphia Street 16" Water Main Transmission, Project No. W09-1793 / CIP No. 50760, for an increase of \$12,871.89. Ellis explained this increase was due to finding an undocumented sewer service line during construction, so they had to adjust the water line. They had to remove asphalt and replace it which caused the increase. Motion carried.

Motion was made by Olson, second by LaCroix, to Request the Mayor to draft and sign a letter to Youth and Family Services demonstrating the City's ongoing commitment and the Council's intent to enter into an extended lease and stating that the delay by the City is based on the requirement that the City Council hold a public hearing. Mayor pointed out there is a revised letter on the Dias. Chapman expressed his appreciation, and Olson pointed out that this will substantially increase services to our community. Motion carried.

Motion was made by Olson, second by Weifenbach, to (No. LF120209-03) Acknowledge the report regarding the 2012 process – phase 4.

Substitute motion was made by Chapman, second by Olson, to acknowledge the report and add a friendly amendment to send this item to the December 16, 2009 Legal and Finance meeting. Motion carried.

Motion was made by Olson, second by Waugh, to (No. LF120209-10) Authorize staff to purchase one 2010 Chevy Tahoe from Beck Motors in the amount of \$28,373 under State Contract. Allender explained that this is a replacement vehicle for the Mayor, and the Police Department will get the current vehicle from the Mayor. They can then replace a 1998 Dodge Caravan at the Police Department. This is a budgeted purchase, and it is routine for them to purchase a new vehicle for the Mayor after two years. It was indicated that the Mayor's vehicle does not have City license plates. Kooiker recalled that there were City plates on the Mayor's vehicle until a few years ago and asked that this is verified. Kooiker suggested that we use this opportunity to cut costs and not purchase the vehicle since sales tax revenue is down. Motion carried with one NO from Kooiker.

Motion was made by Olson, second by LaCroix, to (No. LF120209-17) Approve renewal of City's insurance package for FY 2010. Weifenbach said he was impressed with the program in that it provides for consistency without added costs. Olson added that this is a good example of a partnership with the community that works well and said we appreciate their efforts. Motion carried.

Motion was made by Olson, second by Chapman, to (No. LF120209-23) Preliminarily approve Subsidy Committee recommendations for the Community Development Block Grant FY 2010 Annual Action Plan and Amendment for Reallocation of Funds in the amount of \$182,778.00. Alderman Waugh wanted to

acknowledge that he is abstaining from this item. Preston confirmed that funds were from 2009. Motion carried with Waugh abstaining.

Motion was made by Olson, second by Chapman, to (No. LF120209-26) Approve Resolution No. 2009-165 Establishing Rates for the Rapid City Aquatics Division. Cole confirmed that rates have not been increased for a couple of years and also confirmed none of the services will be decreased. Kooiker asked about the why the diving boards are closed during family night, and Cole agreed to check into the reason for the closure. Kooiker offered an amendment that a stipulation is added that diving boards remain open during family night, but Green indicated the motion would not appropriate since this item deals with rates. Kooiker said he feels the increases are reasonable if the diving boards are open on family night. LaCroix and Chapman both stated their interest in the report from Cole. Weifenbach asked about the revenue for each pool, and Cole said the swim center returned 93% of expenses this year. Mayor Hanks said that Cole will present additional revenue information at the next Legal and Finance meeting. Motion carried with one NO from Kooiker.

Resolution No. 2009-165  
Establishing Rates for the Rapid City Aquatics Division

Be it resolved by the City of Rapid City that the following rates are established for the Rapid City Aquatics Division, effective January 1, 2010:

		Horace
Daily Passes	All Pool	Mann Pool
Adult	\$ 5.25	\$ 3.75
Youth (2-17)	\$ 4.25	\$ 2.75
Senior (60+)	\$ 3.75	\$ 2.75
Family	\$10.00	\$ 8.00
Group Rate (30+)	\$ 3.75	\$ 2.75
Gold Daily	\$ 8.00	

		Horace
10 Punch Passes	All Pool	Mann Pool
Adult	\$ 49.50	\$34.00
Youth (2-17)	\$ 39.00	\$27.00
Senior (60+)	\$ 34.00	\$24.00
Family (4 Passes)	\$114.00	\$80.00
Additional Family	\$ 14.00	\$12.00

		Horace
20 Punch Passes	All Pool	Mann Pool
Adult	\$ 71.00	\$ 47.00
Youth (2-17)	\$ 56.00	\$ 36.00
Senior (60+)	\$ 50.00	\$ 31.00
Family (4 Passes)	\$163.00	\$107.00
Additional Family	\$ 28.00	\$ 21.00

		Horace
Quarterly Passes	All Pool	Mann Pool
Adult	\$ 78.00	\$ 57.00
Youth (2-17)	\$ 63.00	\$ 46.00
Senior (60+)	\$ 53.00	\$ 38.00
Family (4 Passes)	\$170.00	\$114.00
Additional Family	\$ 28.00	\$ 24.00

Yearly Passes	All Pool
Adult	\$287.00
Youth (2-17)	\$221.00
Senior (60+)	\$196.00
Family (4 Passes)	\$516.00
Additional Family	\$ 53.00

Swim Center Gold Pass

Gold Passes allow use of the aquatics facilities as well as land and water fitness classes and racquetball courts.

	Adult	Senior
10 Punch	\$ 58.00	\$ 40.00
20 Punch	\$ 83.00	\$ 58.00
Quarterly	\$ 94.00	\$ 72.00
Yearly	\$338.00	\$229.00

	Family
10 Punch	\$132.00
20 Punch	\$192.00
Quarterly	\$203.00
Yearly	\$585.00

Racquetball Passes	
Hourly (per person/court)	\$ 3.50
10 Punch	\$ 30.00
20 Punch	\$ 49.00
Quarterly	\$ 94.00
Yearly	\$229.00

Dated this 7th 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 LaCroix, to (No. LF120209-27) Approve Resolution No. 2009-164 Establishing Rates for the Roosevelt Park Ice Arena. Weifenbach requested the revenue information on ice arena as well. Responding to a question from Kooiker, Cole explained there are no rate increases at the ice arena. Motion carried.

Resolution No. 2009-164  
Establishing Rates for the Roosevelt Park Ice Arena

Be it resolved by the City of Rapid City that the following rates are established for the Roosevelt Park Ice Arena, effective January 1, 2010:

Season Passes

	Resident
	<u>2010</u>
Individual	\$112
Family (4 people)	\$273
* Each additional after 4	\$ 37

	Non City Resident
Individual	\$149
Family (4 people)	\$312
* Each additional after 4	\$ 51

Punch Pass (10 Punch)

	<i>Skating or Skate Rental</i>
Youth	\$30
Adult	\$38

Daily Passes

1-17 Years of Age	\$3.75
18 year and over	\$4.75

Group Rates (30 or more; *includes skates*)

Youth	\$3.50
Adult	\$4.50

Ice Rental Fees

Prime Time	\$120/hr
Non-Prime Time*	\$ 72/hr

\*Weekdays before 3pm and after 10pm

Ice Rental Fees w/Skates

Prime Time	\$194/hr
Non-Prime Time*	\$151/hr

\*Weekdays before 3pm and after 10pm

*Skate Rental* \$3.50

Skate Sharpening \$4.50

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**CONTINUED CONSENT ITEMS** – Items 89 – 95

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

***Continue the following items until December 21, 2009:***

89. 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.
90. 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.
91. 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.
92. No. 09PL046 - 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.
93. 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.
94. 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.

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

95. No. 09PL024 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Preliminary Plat** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.

END OF CONTINUED CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 96 – 119

Motion was made by Olson, second by Chapman and carried to open the public comment for items 96 – 119. Jean Kessloff explained that changes were made to a home at 912 St. Andrews Street making it a non-contributing structure. She asked why there are no consequences for this type of action. She requested the Council's help in saving the historic district. Paul Weber explained his appeal for a sign permit and requested approval from the Council.

Motion was made by Chapman, second by LaCroix and carried to close the public comment for items 96 – 119.

***Ordinances***

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 City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of 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. Motion was made by Olson, second by Chapman and carried that Ordinance 5564 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 21, 2009.

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 City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of 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. Motion was made by Olson, second by Waugh and carried to approve with stipulations.

Motion was made by Costello, second by Chapman and carried to reconsider the previous vote.

Motion was made by Olson, second by Waugh and carried that Ordinance 5565 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 21, 2009

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 A request by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of 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. Motion was made by Olson, second by Chapman and carried that Ordinance 5566 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 21, 2009.

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 City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** of 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. Motion was made by Olson, second by Chapman and carried that Ordinance 5567 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 21, 2009.

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** of 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 Chapman and carried to continue to the December 21, 2009 City Council meeting.

Ordinance 5563 (No. LF120209-15) An Ordinance Regarding Supplemental Appropriation No. 6 for 2009. Motion was made by Olson, second by Chapman and carried that Ordinance 5563 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 21, 2009.

Ordinance No. 5558 (No. 09OA008) An Ordinance Adding Conditional Uses in the Business Park Zoning District by Amending Section 17.56.030 of the Rapid City Municipal Code as amended having passed its first reading on November 16, 2009; motion was made by Olson, second by Waugh, that the title be read the second time as revised. It was indicated that the revision adds silicon to the list of materials. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman,

Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5558 was declared duly passed upon its second reading.

Ordinance 5561 (No. LF111009-05) An Ordinance to Change the Due Date of Occupancy Tax Remittances for Business Improvement District No. 1 by Amending Section 3.24.080 of the Rapid City Municipal Code having passed its first reading on November 16, 2009; motion was made by Olson, second by Chapman, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5561 was declared duly passed upon its second reading.

Ordinance 5559 (No. LF111009-09) An Ordinance to Transfer the Energy Plant Division from the Department of Public Works to the Rushmore Plaza Civic Center Board by Amending and Transferring Section 2.44.060 of the Rapid City Municipal Code to Section 2.76.160 of the Code having passed its first reading November 16, 2009; motion was made by Olson, second by Waugh, that the title be read the second time. Ellis confirmed there will be no additional FTEs for Public Works or the energy plant. Ellis explained the building produces hot and cold water for producing hot and cold air for Central High School and the Civic Center and monitors temperatures. There is no electricity or energy produced by the plant. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5559 was declared duly passed upon its second reading.

Ordinance 5560 (No. LF111009-13) An Ordinance to Update the List of Unlawful Acts of Discrimination by Amending Section 2.64.030 of the Rapid City Municipal Code having passed its first reading on November 16, 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, Chapman, Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5560 was declared duly passed upon its second reading.

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

Motion was made by Olson, second by Waugh and carried to approve (No. 09PL066) a request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1520 Luna Avenue, with the following revised stipulations: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the access easement shall be submitted for review and approval. The plat document shall be revised to show a minimum 59 foot wide access easement and construction plans shall be submitted for review and approval showing the access easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval, applicant shall submit a copy of the signed Covenant Agreement providing access to the Water Shutoff Valve; 3. 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; 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 5. 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. 09PL069) a request by Frontera Chicos, LLC for a **Layout Plat** on Lots A thru C of Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally

described as Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and North Cambell Street, with the following stipulations: 1. Prior to Layout Plat approval by the Planning Commission, the expired Air Quality Permit shall be renewed or a new permit shall be obtained; 2. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed; 3. Upon submittal of a Preliminary Plat application, a drainage plan addressing the existing stormwater flows that currently drain along internal pathways within the parcel shall be submitted for review and approval. In addition, the plat document shall be revised to secure the existing drainage within defined and dedicated drainage easements; 4. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval; 5. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show access to proposed Lots B and C. In addition, construction plans for the access street shall be submitted for review and approval. In particular, the construction plans shall show the street located within a minimum 59 foot wide right-of-way or easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing access aisles that provide circulation between the three proposed lots located within access easement(s). In addition, construction plans for the access easement(s) shall be submitted for review and approval. In particular, the access easements shall be located within a minimum 59 foot wide easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 7. Upon submittal of a Preliminary Plat application, construction plans for the 33 foot wide dedicated access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of a Preliminary Plat application, construction plans for the 20 foot wide shared access easement shall be submitted for review and approval. In particular, the construction plans shall show the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 9. Upon submittal of a Preliminary Plat application, construction plans for the service road located within the E. North Street right-of-way shall be submitted for review and approval. In particular, the construction plans shall show the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 10. Upon submittal of a Preliminary Plat application, construction plans for E. North Street shall be submitted for review and approval. In particular, the construction plans shall show a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 11. Upon submittal of a Preliminary Plat application, the plat document shall be revised to secure the truck turnaround located on Lots B and C within a shared access easement. In addition, construction plans for the shared access easement shall be submitted for review and approval showing the easement with a minimum 59 foot width and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 12. 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 showing the sewer system in compliance with the City's design standards for location and accessibility shall be submitted for review and approval or an Exception shall be obtained to allow the existing sewer system to cross over adjacent properties. If an Exception is obtained, then the applicant shall submit a copy of a recorded covenant agreement securing perpetual maintenance of the private sewer system. In addition, the plat document shall be revised to provide a minimum 25 foot wide sewer main easements as needed; 13. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the water system in compliance with the City's design standards for location and accessibility shall be submitted for review and approval or an Exception shall be obtained to allow the existing water system to cross over adjacent

properties. If an Exception is obtained, then the applicant shall submit a copy of a recorded covenant agreement securing perpetual maintenance of the private water system. Accurate as-built drawings must also be submitted for review and approval. In addition, the plat document shall be revised to provide a minimum 20 foot wide water main easement as needed; 14. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 15. 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; 16. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to secure the existing sidewalks within pedestrian access easements; 17. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the existing sign advertising "On the Border" as an off-premise sign as per Section 15.28.050.Q or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed; 18. Prior to submittal of a Final Plat application, the applicant shall submit a copy of a recorded Covenant Agreement establishing a shared parking agreement between the three lots if the existing parking lot is to be used as shared parking for all three lots; 19. Prior to submittal of a Final Plat application, the plat title shall be revised to show the proposed legal as "Lots 2A, 2B and 2C of Huffman Subdivision"; 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 21. The approved Layout 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 Waugh and carried to approve (No. 09PL070) a request by Terry Stocker for a **Preliminary Plat** on Lot D in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 810 Mount Rushmore Road, with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to reduce the separation between the driveway to the proposed lot and the intersection of Mount Rushmore Road and Quincy Street from a minimum 50 feet as per the Street Design Criteria Manual to 35 feet or the plat document shall be revised to comply with the Street Design Criteria Manual; 2. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the installation of a sewer main along Mount Rushmore Road and Quincy Street as they abut the property or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 5. 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; 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 LaCroix, to (No. LF101409-03) – Authorize Mayor and Finance Officer to sign an amended Developer's Agreement for Tax Increment District 52 per the attached information. Motion carried.

Motion was made by Olson, second by Waugh, to (No. LF120209-02) Request staff to prepare a Covenant Agreement between the City of Rapid City and Kateland Development Co. and bring it to the December 16, 2009, Legal and Finance Committee meeting. Elkins explained the item and said the Covenant Agreement will allow a future purchaser to be aware of the situation. Olson noted that this change is important because it reflects that sidewalks are now put in when the building occurs on the lot. She also pointed out that this protects future buyers. Alderman Kroeger wanted to acknowledge that he is abstaining from this item. Elkins said this is residentially zoned but will probably be a townhouse or apartment. She confirmed there are no sidewalks on the west side of the property. Motion carried with Kroeger abstaining.

Motion was made by Olson, second by Waugh, to (No. LF120209-36) Approve the revised and linked document for Travel and Training Regulations with the request that the Mayor further review the allowances for meals. Mayor Hanks explained that other communities were researched, and he explained each change to the document. Olson stated her support for the changes.

Substitute motion was made by LaCroix, second by Costello, to approve the Travel and Training Regulations as per the document on the Dias. LaCroix said the changes are appropriate. Kooiker said the removal of the per event restriction is a mistake. Weifenbach said he is not sure about Council leadership approving \$1,500.00 per Council member and said they should be accountable to the full Council. Upon vote being taken, the following voted AYE: Kroeger, Waugh, Martinson, Costello, LaCroix, Chapman, and Olson; NO: Weifenbach and Kooiker. Motion carried.

#### TRAVEL AND TRAINING REGULATIONS City of Rapid City, South Dakota

The following regulations will explain travel reimbursement for expenses incurred by City employees and elected officials while away from their home station. All travel will be by the most economical method. Attempt to obtain reduced rate airline fares when possible. City ordinances require advance approval of travel for any one person, as follows:

##### City Departments Travel and Training

- a) Department Director's approval up to \$1,500 per person.
- b) Mayor's approval \$1,500 and above per person.

##### City Council Members Travel and Training

- a) Council Leadership approve up to \$1,500 per councilmember.
- b) Council approval \$1,500 and above per councilmember.

No Travel and Training expenditure that exceeds a Department's budgeted Travel and Training line item may be made without prior approval of the Council.

The Mayor shall report to City Council leadership any travel which requires the Mayor to be out of town for more than 24 hours and any travel or training above \$1,500.

- I. Claim requirements. Purchase orders must be accompanied by a completed travel voucher and brief description of the travel. Receipts are required for lodging, registration, rented cars and other incidental expenses charged. Personal entertainment and personal telephone calls are not reimbursable. Lodging must be charged for the employee only. Registration receipts must be detailed and, if meals and/or lodging are included in the registration fee, such meals or lodging must be deducted from the subsistence allowance (Section III) for the specific meals provided. A copy of the program must accompany the travel request.

If travel was by airline, bus, train or other commercial carrier, a invoice for the ticket must accompany the purchase. When weather or plane conditions cause interrupted flight, any expenses absorbed by the airline will not be paid by the City.

II. Mileage.

- a. Privately-Owned Automobiles. Thirty-seven Cents (\$0.37) per mile based on the standard map mileage for the route normally traveled. If map mileage is not available, odometer readings are to be used. If a City vehicle is available but the employee desires to drive a personal vehicle, the employee shall be paid at the rate of Twenty Cents (\$0.20) per mile. No mileage will be paid for in town travel if a city vehicle is available for use.
- b. Personal or Hired Planes. The mileage rates for any City employee flying a privately owned or rented airplane while traveling on City business are as follows:
  - (1) Piston single engine -- \$1.50 per statute mile;
  - (2) Piston multi engine -- \$3.00 per statute mile;
  - (3) Turbo prop multi engine with fewer than nine seats -- \$3.95 per statute mile; and
  - (4) Turbo prop multi engine with nine seats or more -- \$5.25 per statute mile.
 Travel by privately owned or rented airplanes may be authorized only by the City Council

If an employee, for his own convenience, does not travel the direct route or interrupts travel, he shall be paid expenses he would have incurred by traveling the normally traveled route.

III. Subsistence Expense.

- a. Time Schedule. (If by commercial carrier, time of departure from or arrival at terminal.)

Meals Allowable	When Leaving Station Of Duty Before	When Returning to Station Of Duty After
Breakfast	7:01 a.m.	7:59 a.m.
Lunch	11:31 a.m.	12:59 p.m.
Dinner	5:31 p.m.	6:29 p.m.

Lodging: A single occupancy room will be reserved unless some other arrangement is requested by the traveler.

- b. In-State Lodging. Shall be actual, not to exceed as follows:

\$89.99

plus tax per 24-hour period of continuous travel unless the Mayor approves, in advance, permission to exceed said:

\$89.99

due to the necessity of accommodations. Lodging includes all charges such as fees, tips, laundry, cleaning, personal use of rooms during daytime, etc. Tips not exceeding \$1.00 per day for lodging shall be authorized without presentation of a paid receipt.

Allowance for meals: Breakfast	\$ 5.00
Lunch	\$ 9.00
Dinner	<u>\$12.00</u>
	\$26.00

or a maximum of \$26.00 including applicable taxes and tips. The Mayor may authorize exceeding this maximum - Meal receipts must then accompany the travel voucher.

- c. Out of State Lodging. Shall be actual, not to exceed \$150.00 plus tax per 24-hour period of continuous travel, unless the Mayor approves, in advance, permission to exceed said \$150.00 due to the necessity of accommodations. Lodging includes all charges such as fees, tips, laundry, cleaning, personal use of rooms during daytime, etc. Tips not exceeding \$1.00 per day for lodging shall be authorized without presentation of a paid receipt.

Allowance for Meals: Breakfast	\$ 8.00
Lunch	\$11.00
Dinner	<u>\$17.00</u>
	\$36.00

or a maximum of \$36.00 including applicable taxes and tips. The Mayor may authorize exceeding this maximum. Meal receipts must then accompany the travel voucher.

- IV. Interview and Moving Expenses. Interview expenses will be allowable to the prospective employee at the discretion of the Mayor or applicable Board and will not exceed out-of-state rates. Moving expenses will be allowable at the discretion of the Mayor or applicable Board and will be limited to the cost of the mover, including packing and packing materials, verified by receipt; plus mileage, meals and lodging expenses for the employee and his family on the date of the move. Meal expenses will not exceed out-of-state rates and lodging will not exceed out-of-state rates and shall be verified by receipt. In no event shall the cost of interview and moving expenses exceed one month's salary for the position, without express approval of the Mayor.
- V. Travel and training by Non-City Employees.
  - a. Persons who are not City employees, but who travel on behalf of the City, shall be reimbursed for actual expenses of lodging, meals and travel, not to exceed the maximum allowed City employees.
  - b. When requesting reimbursement of travel expenses for a non-City employee, the same procedure required for a City employee must be used.
- VI. Expenses for Functions. The City will reimburse eligible expenses incurred by employees who attend in-city functions if the employee is directed to attend by his supervisor. Such functions would include meetings of board or committees, special banquets, panels, educational or professional seminars, or public meetings. The City may reimburse eligible expenses for non city employees attending a function related to city business. Advance approval by the Mayor and receipts are required.
- VII. Retreats/Gatherings. The City will reimburse eligible expenses incurred for retreats/gatherings if such events are approved in advance by the Department Directors for amounts up to \$1,500 and

any amount \$1,500 and above by the Mayor. All such expenses must be verified by receipts, and the use of City facilities is encouraged to avoid the cost of rental of conference space and related expenses.

- VIII. Appeal Procedure. Any employee feeling aggrieved by action of the department head, Finance Office, or Mayor, regarding any travel expense which may have been disallowed, shall have a right to submit a written request to the Rapid City Common Council for a hearing, if the request is submitted within five days of the respective action. At the hearing the individual may appear in person or by an authorized representative, and the Council shall make a final determination.

#### END OF TRAVEL AND TRAINING REGULATIONS

Motion was made by Olson, second by LaCroix, to (No. LF120209-11) Approve changes to the approved SDCL 1-19A-11.1 final determination relative to the remodel of home and garage construction at 912 St. Andrew Street located in the West Boulevard National Historic District. Elkins explained that this item appeared before Council previously and was approved. The owners did not follow the approved plans, so the item is going back through the process. She explained that Historic Preservation voted to accept the changes. Responding to Costello, Elkins said when building plans are changed they usually do a stop work order, and she explained the process. If the Council votes no on this item, it was indicated that staff would work with the City Attorney's office to require them to bring it into compliance or take legal action to enforce the approved plans. Chapman asked how we can prevent this from happening in the future and mentioned that the City could require signing for a building permit. Olson pointed out that there is a difference between a normal residential building permit and the permit required for a historic property. Responding to Olson, Jean Kessloff indicated she spoke during public comment on behalf of herself. Responding to Weifenbach, Green explained that the Council could adopt an ordinance saying deviations are not permitted. Weifenbach requested that the process is changed. Elkins confirmed that these types of changes would be approved on a home that is not in the historic district. Responding to Waugh, Green explained that, if the Council votes no, they would need to look at an ordinance that would allow the City to prosecute criminally or civil remedies to require changes to the property. LaCroix pointed out that the Historic Preservation Commission accepted the changes, and Costello pointed out that the historical damage had already been done. Upon vote being taken, the following voted AYE: Kroeger, Martinson, Kooiker, Costello, and LaCroix; NO: Waugh, Chapman, Olson and Weifenbach. Motion carried.

Motion was made by Olson, second by Waugh, and carried to continue until after Executive Session (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

#### **Bids**

The following companies submitted bids for (No. CC120709-02.1) Snow Removal Operations for City Parking Ramp opened December 1, 2009: Heavy Constructors. Staff reviewed the bid and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Chapman, to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$2,500.00. Preston confirmed that this amount is per occurrence. Ellis explained the City does not have the means to remove snow from the ramp as it must be open by 7:00 AM and his staff is working on streets at that time. He also explained that the snow needs to be cleared by trucks and added that small equipment has to be used due to load limits. It was indicated that funds come from the parking fund. Motion carried.

The following companies submitted bids for (No. CC120709-02.2) City / School Administration Center Roof Replacement opened December 3, 2009: Lowe Roofing Inc. and Black Hills Roofing. Staff reviewed the bids and recommends bid award to Black Hills Roofing. Motion was made by Waugh, second by Costello, to approve the bid award to the lowest responsible bidder, Black Hills Roofing, in the amount of

\$281,275.00, which is the base bid only. It was indicated that the City will pay for this and the Schools will reimburse 40%. Ellis indicated that this project will happen within weeks. Motion carried.

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

Preston addressed the (No. CC120709-04) Sales Tax Revenue Update and explained the revenue through the first half of October indicating that we are down 2.34% from last year. Motion was made by Waugh, second by Weifenbach and carried to acknowledge the report.

Ellis explained the 44<sup>th</sup> Street and West Main project and said the preliminary completion date was not met. There were 46 days of liquidated damages and the overall date was not met. There will be some negotiating as there were some unforeseen circumstances, planned changes, and private development work. Ellis indicated there is about \$40,000 to \$60,000 in liquidated damages and said we will have a final change order in four to six weeks. Motion was made by Kooiker, second by Waugh and carried to acknowledge the report.

### ***Staff Items***

Ellis addressed the (No. CC120709-03) Vision 2012 Update and reported that there are no updates. Motion was made by Waugh, second by Chapman and carried to acknowledge the report.

### ***Appeals***

#### *Sign Code Appeals*

Motion was made by Olson, second by Waugh, to (No. CC120709-05) uphold the denial of a pole sign permit requested by Lighting Maintenance Company. Elkins explained that the sign is being reviewed due to a request from the state that the sign is moved. Weifenbach said it would be appropriate to let them move the sign and accommodate the state. Olson pointed out that a sign would be permitted on the building and said we should take the advice of the professionals on the Sign Board.

Substitute motion was made by LaCroix, second by Weifenbach, to continue this item to the December 21, 2009 City Council meeting. Olson said a valid decision has been made by the board and she will not support the motion. Responding to Costello, Weber confirmed his customer has an extension until January 1, 2010. Weifenbach indicated a continuation is appropriate so that Council has a chance to visit the location, and it was indicated that the sign is 3' by 12'. Upon vote being taken, the following voted AYE: Martinson, Costello, LaCroix, Chapman, Weifenbach and Kroeger; NO: Waugh, Kooiker and Olson. Motion carried.

### **PUBLIC HEARING ITEMS** – Items 120 – 218

Motion was made by Costello, second by Olson and carried to open the public comment for items 120 – 218.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 120 – 124

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

***Continue the following items until December 21, 2009:***

120. No. 09RZ044 - A request by 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.
121. 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, location 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 the BHM, Pennington Count, South Dakota, located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.
122. 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.

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

123. No. 09SV012 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.

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

124. No. 08OA003 - A request by City of Rapid City for an **Ordinance Amendment to amend Section 17.50.335 "Sight Triangles" of the Rapid City Municipal**.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Costello, second by LaCroix and carried to close the public comment for items 120 – 218.

**CONSENT PUBLIC HEARING ITEMS** – Item 125 – 211

The following items were removed from the Consent Public Hearing Items:

- 159. MG Oil Company DBA Clock Tower Lounge, 2525 W. Main Street, for a Retail (on-sale) Liquor License

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

***Growth Management Items***

- 125. No. 09CA030 – Approve a request by City of Rapid City for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2828 Orchard Lane.

2009 - 167  
 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 7<sup>th</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 adopted Comprehensive Plan would change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development, on Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; 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 adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development, on Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof be filed with the City Finance Office

Dated this 7th day of December, 2009.

ATTEST:

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

s/ James F. Preston  
Finance Officer

(SEAL)

- 126. No. 09VR006 – Approve a request by Renner & Associates for South Dakota Board of Regents for a **Vacation of Section Line Highway** on the Section Line right-of-way located adjacent to the SW1/4 of Section 27, T2N, R8E, and the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Cheyenne Boulevard.

RESOLUTION #2009-168  
RESOLUTION OF VACATION OF SECTION LINE RIGHT-OF-WAY

WHEREAS it appears that the Section Line right-of-way located adjacent to the SW1/4 of Section 27, T2N, R8E, and the NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Cheyenne Boulevard; is not needed for public purposes; and

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

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

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

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

***Alcohol Licenses***

Retail (on-off sale) Wine License Renewals

- 127. Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave., for a Retail (on-off sale) Wine License
- 128. Uncork'd Wine and Tapas Bar LLC, 5734 Sheridan Lake Rd. #207, for a Retail (on-off sale) Wine License
- 129. Bully Blends Coffee and Tea Inc DBA Bully Blends Coffee and Tea, 410 5<sup>th</sup> Street, for a Retail (on-off sale) Wine License
- 130. Linda and Frank Morrison DBA Thirstys, 819 Main Street, for a Retail (on-off sale) Wine License
- 131. Leading Edge Management LLC DBA Buffalo Wings and Rings, 5622 Sheridan Lake Rd, for a Retail (on-off sale) Wine License

132. TADY LLC DBA Sports Buzz Family Food N Fun, 2102 Mt. Rushmore Rd., for a Retail (on-off sale) Wine License
133. Piesano's Pacchia Inc DBA Piesano's Pacchia, 3618 Canyon Lake Dr. #33, for a Retail (on-off sale) Wine License
134. Chrisbro LLC DBA Hampton Inn, 1720 Rapp Street, for a Retail (on-off sale) Wine License
135. Rhonda Berger and Jim Berger DBA Ichiban, 1109 W. Omaha St. Ste. A, for a Retail (on-off sale) Wine License
136. Late Harvest Inc. DBA Tally's Silver Spoon, 520 6<sup>th</sup> Street, for a Retail (on-off sale) Wine License
137. Mae Jean Adams DBA The Corn Exchange, 727 Main Street, for a Retail (on-off sale) Wine License
138. Barbecsul Inc DBA Sandtrap Grill and Bar, 3625 Jackson Blvd, for a Retail (on-off sale) Wine License
139. Central States Fair Inc. DBA Central State Fair, 800 San Francisco St., for a Retail (on-off sale) Wine License
140. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Hwy. 16 #G, for a Retail (on-off sale) Wine License
141. Khoury's Mediterranean Cuisine Inc. DBA Khoury's Mediterranean Cuisine, 1109 W Omaha St. Ste. D, for a Retail (on-off sale) Wine License
142. Rapid City Arts Council Inc. DBA Dahl Arts Center, 713 7<sup>th</sup> Street, for a Retail (on-off sale) Wine License
143. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6<sup>th</sup> Street, for a Retail (on-off sale) Wine License
144. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Wine License
145. WR Rapid City Ventures DBA Oakleaf Beer Garden, 2213 LaCrosse St., for a Retail (on-off sale) Wine License
146. Museum Alliance of Rapid City Inc. DBA The Journey Museum, 222 New York Street, for a Retail (on-off sale) Wine License
147. Century Motels Inc. DBA Howard Johnson Express Inn and Suites, 950 North Street, for a Retail (on-off sale) Wine License
148. Mai T. Goodsell DBA Saigon Restaurant, 221 E North Street, for a Retail (on-off sale) Wine License

Retail (on-sale) Liquor License Renewals

149. Fraternal Order of Eagles DBA Rapid City Aerie No. 3555, 1410 Centre Street, for a Retail (on-sale) Liquor License

150. Blue Lantern Lounge Inc. DBA Blue Lantern Lounge, 1200 E St. Patrick Street, for a Retail (on-sale) Liquor License
151. Hungrys Restaurants Inc. DBA Marlins Roadhouse Grill, 2803 Deadwood Ave., for a Retail (on-sale) Liquor License
152. City of Rapid City DBA Airport Restaurant and Lounge, 4550 Terminal Rd. #206, for a Retail (on-sale) Liquor License
153. Heinsel Investments LLC DBA Comfort Suites, 1333 N Elk Vale Rd., for a Retail (on-sale) Liquor License
154. Entertainment Inc. DBA Robbinsdale Lounge, 803 E. St. Patrick Street, for a Retail (on-sale) Liquor License
155. ERJ Dining IV LLC DBA Chili's Grill and Bar, 2125 N Haines Ave., for a Retail (on-sale) Liquor License
156. Kelly's Sports Lounge Inc. DBA Kelly's Sports Lounge, 825 Jackson Blvd., for a Retail (on-sale) Liquor License
157. LaCroix Investments Inc. DBA Time Out Lounge, 615 E. North Street, for a Retail (on-sale) Liquor License
158. Beshara Enterprises Inc. DBA The Pirates Table, 3550 Sturgis Rd. for a Retail (on-sale) Liquor License
160. Viper LLC DBA Quality Inn/Reunion Lounge, 1902 N LaCrosse Street, for a Retail (on-sale) Liquor License
161. Karen J Schumacher DBA Brass Rail Lounge, 624 St. Joe Street, for a Retail (on-sale) Liquor License
162. AJ Inc DBA Shotgun Willies, 2808 W Main Street, for a Retail (on-sale) Liquor License
163. Sioux Restaurants Inc. DBA TGI Fridays, 2205 N. LaCrosse Street, for a Retail (on-sale) Liquor License
164. TADY LLC DBA Teddy's Sports Grill, 826 Main Street, for a Retail (on-sale) Liquor License
165. Fresch Inc DBA Joes Place, 4302 S Hwy 79, for a Retail (on-sale) Liquor License
166. Sodak Mex I Inc. DBA On The Border, 1331 E North Street, for a Retail (on-sale) Liquor License
167. Michael O Wieseler DBA Horseshoe Bar, 1407 ½ E North Street, for a Retail (on-sale) Liquor License
168. Arnolds Inc DBA Buck-N-Gator, 4095 Sturgis Rd., for a Retail (on-sale) Liquor License
169. Derby Advertising Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane, for a Retail (on-sale) Liquor License

170. Western Dakota Gaming Inc. DBA Valley Sports Bar, 1865 S Valley Drive, for a Retail (on-sale) Liquor License
171. American Legion, 818 E St Patrick St., for a Retail (on-sale) Liquor License
172. Ugly Inc. DBA Budd Ugly's, 321 7<sup>th</sup> Street, for a Retail (on-sale) Liquor License
173. Dealer Exchange Inc. DBA Kaktus Kim's, Rushmore Mall Space 478, for a Retail (on-sale) Liquor License
174. Fox Family Enterprises Inc. DBA Rodeway Inn, 2208 Rushmore Rd., for a Retail (on-sale) Liquor License
175. Arrowhead Country Club, 3675 Sheridan Lake Rd., for a Retail (on-sale) Liquor License
176. WR Rapid City Ventures LP, Minerva's Restaurant & Bar, 2211 N LaCrosse St., for a Retail (on-sale) Liquor License
177. The Retired Enlisted Assoc Inc Chapter 29, 1981 E Centre Street, for a Retail (on-sale) Liquor License
178. Outback Midwest II LP DBA Outback Steakhouse, 665 Disk Drive, for a Retail (on-sale) Liquor License
179. Cortez LLC DBA Alex Johnson Hotel, 523 6<sup>th</sup> Street, for a Retail (on-sale) Liquor License
180. Atlantis LLC DBA Fairfield Inn and Suites by Marriott, 1314 N Elk Vale Rd., for a Retail (on-sale) Liquor License
181. Porter Apple Company DBA Applebee's Neighborhood Grill and Bar, 2160 Haines Ave. for a Retail (on-sale) Liquor License
182. Shooters Inc. DBA Shooters, 2504 W. Main Street, for a Retail (on-sale) Liquor License
183. RC Boston Company LLC DBA Boston's Restaurant and Sports Bar, 620 E. Disk Drive, for a Retail (on-sale) Liquor License
184. Steven C Lester DBA Rushmore Plaza Holiday Inn, 505 N 5<sup>th</sup> Street, for a Retail (on-sale) Liquor License
185. Retsel Inc DBA Cheers/Ramada Inn, 1721 N LaCrosse St., for a Retail (on-sale) Liquor License

Package (off-sale) Liquor License Renewals

186. Smith's Liquor Gallery Inc. DBA Smith's Liquor Gallery, 2218 Jackson Blvd. Ste. 1, for a Package (off-sale) Liquor License
187. Sooper Dooper Markets Inc. DBA Sooper Dooper #1, 913 E St. Patrick St., for a Package (off-sale) Liquor License
188. Sully Enterprises LLC DBA Common Cents, 2808 Sheridan Lake Rd., for a Package (off-sale) Liquor License

189. Sully Enterprises LLC DBA Common Cents, 634 E North Street, for a Package (off-sale) Liquor License
190. Staple and Spice Market Inc. DBA Staple and Spice Market, 601 Mt. Rushmore Rd., for a Package (off-sale) Liquor License
191. LaCroix Investments Inc. DBA Bus's Bottle Shop, 615 E North Street, for a Package (off-sale) Liquor License
192. Bach Investment Inc. DBA Hideaway Casino, 1575 N LaCrosse St. Ste. D, for a Package (off-sale) Liquor License
193. Fresh Start Convenience Stores Inc. DBA Ranch Mart, 520 Birch Ave., for a Package (off-sale) Liquor License
194. Debra J Erickson DBA Corner Pantry – LaCrosse Street, 2130 LaCrosse Street, for a Package (off-sale) Liquor License
195. Thrifty Smoke Shop Inc. DBA Thrifty Smoke Shop, 718 E. St. Patrick Street, for a Package (off-sale) Liquor License
196. Thrifty Smoke Shop Inc. DBA Thrifty Smoke Shop III, 3030 W. Main Street Ste. B, for a Package (off-sale) Liquor License
197. Nash Finch Company DBA Family Thrift Center #265, 751 Mountainview Rd., for a Package (off-sale) Liquor License
198. Nash Finch Company DBA FTC Express #257, 3460 Sturgis Rd., for a Package (off-sale) Liquor License
199. Nash Finch Company DBA Family Thrift Center, 855 Omaha Street, for a Package (off-sale) Liquor License
200. Nash Finch Company DBA Prairie Bottle Market #43, 13 New York Street, for a Package (off-sale) Liquor License
201. Nash Finch Company DBA Family Thrift Center #253, 1516 E St. Patrick Street, for a Package (off-sale) Liquor License
202. Canyon Lake Liquors LTD DBA Canyon Lake Liquors, 4244 Canyon Lake Drive, for a Package (off-sale) Liquor License
203. Derby Advertising Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane, for a Package (off-sale) Liquor License
204. Carol Enterprises Inc. DBA Don's Valley Express #2, 3343 N Haines Ave., for a Package (off-sale) Liquor License
205. Carol Enterprises DBA Valley Liquor, 747 Timmons Blvd., for a Package (off-sale) Liquor License
206. Yellow Robe Enterprises LLC DBA Dacotah Liquors, 418 Knollwood Dr., for a Package (off-sale) Liquor License

- 207. Wal-East Development Inc. DBA Jackpot Casino Too, 1415 N La Crosse Street, for a Package (off-sale) Liquor License
- 208. Cortez LLC DBA Alex Johnson Hotel, 523 6<sup>th</sup> Street, for a Package (off-sale) Liquor License
- 209. Steven C Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N 5<sup>th</sup> Street, for a Package (off-sale) Liquor License
- 210. Retsel Corp DBA Ramada Inn, 1721 N LaCrosse St., for a Package (off-sale) Liquor License
- 211. Dakotas Best Brown Bag Deli Inc DBA Dakota Best Brown Bag Deli, 818 Main Street, for a Package (off-sale) Liquor License

#### END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented a request by MG Oil Company DBA Clock Tower Lounge, 2525 W. Main Street, for a Retail (on-sale) Liquor License. Motion was made by Olson, second by Chapman, to approve the request. Alderman LaCroix wanted to acknowledge that he is abstaining from this item. Motion carried with LaCroix abstaining.

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 212 – 218

Ordinance 5562 (No. 09RZ045) 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 Medium Density Residential District** on Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2828 Orchard Lane having passed its first reading on November 16, 2009; motion was made by Olson, second by Chapman, that the title be read the second time and be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Residential Development – Initial and Final Development Plan for the following legal description: Lot 8-10 of Fravel Tract, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5562 was declared duly passed upon its second reading.

Ordinance 5556 (No. 09RZ048) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a portion of Tract C of Rushmore Center, located in the 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of

476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth 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 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning, located at 1520 Luna Avenue having passed its first reading on November 2, 2009; motion was made by Olson, second by Chapman, that the title be read the second time and be approved in conjunction with the associated Comprehensive Plan Amendment and the Planned Commercial Development application. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5556 was declared duly passed upon its second reading.

The Mayor presented (No. 09CA028) A request by Dream Design International, Inc. for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a portion of Tract C of Rushmore Center, located in the 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth 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 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning, located at 1520 Luna Avenue. Motion was made by Olson, second by Waugh, and carried to approve the request.

RESOLUTION #2009 - 169  
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 7<sup>th</sup> 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 adopted Comprehensive Plan would change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on a portion of Tract C of Rushmore Center, located in the 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth 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 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning; 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 adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development, on a portion of Tract C of Rushmore Center, located in the 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 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°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth 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 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and

chord distance of 48.40 feet, to the point of beginning as attached to the original hereof be filed with the City Finance Office

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

The Mayor presented (No. 09SV021) A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer and street light conduit on the shared access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as 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. Motion was made by Olson, second by Waugh and carried to approve the Variance to the Subdivision Regulations to waive the requirement to construct water and sewer, storm sewer and street light conduit in the access easement; and to deny the Variance to the Subdivision Regulations to waive the requirement to construct pavement and curb and gutter in the access easement.

Motion was made by Olson, second by Waugh and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sewer along Mount Rushmore Road as they abut the south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 810 Mount Rushmore Road. (09SV022)

The Mayor presented (No. 09SV022) A request by Terry Stocker for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot D in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 40 feet of Lots 15 and 16, the north 25 feet of the south 65 feet of Lots 15 and 16 and the balance of Lots 15 and 16 in Block 113 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 810 Mount Rushmore Road. Motion was made by Olson, second by Chapman and

carried to approve the request with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

The Mayor presented (No. 09VR007) A request by FMG, Inc. for Horst Properties, LLC for a **Vacation of Right-of-way** on , legally described as A 20 foot wide section of Rand Road right-of-way adjacent to Lot B of Tract F of Deadwood Avenue Tract and Lot C of Fowler Subdivision all located in NE¼ of NW¼ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota, Commencing at a point which is a ½” rebar marking the northeast corner of Lot B of Tract F of Deadwood Avenue Tract located in in NE¼ of NW¼ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota which is the point of beginning, Thence N00°15’22”E a distance of 74.44 feet to a point; Thence S80°32’39”E a distance of 20.26 feet to a point; Thence S00°15’21”W a distance of 71.14 feet to a point; Thence S00°05’08”E a distance of 384.52 feet to a point; Thence S89°54’52”W a distance of 20.00 feet to a point; Thence N00°00’00”E a distance of 385.00 feet to the point of beginning, located on that portion of Rand Road south of Commerce Road and east of Deadwood Avenue. Motion was made by Olson, second by Waugh and carried to approve the request with the following stipulations: 1. Prior to City Council approval, the applicant shall submit a signed utility easement retaining this portion of Rand Road as a “Public and Private Utility Easement”; and, 2. Approval of this Vacation of Right-of-way request by the Planning Commission shall authorize the vacation of the right-of-way pursuant to SDCL 11-6-22.

RESOLUTION #2009-170  
RESOLUTION OF VACATION OF SECTION LINE RIGHT-OF-WAY

WHEREAS it appears that the a 20 foot wide section of Rand Road right-of-way adjacent to Lot B of Tract F of Deadwood Avenue Tract and Lot C of Fowler Subdivision all located in NE¼ of NW¼ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota, Commencing at a point which is a ½” rebar marking the northeast corner of Lot B of Tract F of Deadwood Avenue Tract located in in NE¼ of NW¼ of Section 34, T2N, Range R7E, BHM, Pennington County, Rapid City, South Dakota which is the point of beginning, Thence N00°15’22”E a distance of 74.44 feet to a point; Thence S80°32’39”E a distance of 20.26 feet to a point; Thence S00°15’21”W a distance of 71.14 feet to a point; Thence S00°05’08”E a distance of 384.52 feet to a point; Thence S89°54’52”W a distance of 20.00 feet to a point; Thence N00°00’00”E a distance of 385.00 feet to the point of beginning, more generally described as being located at that portion of Rand Road south of Commerce Road and east of Deadwood Avenue; is not needed for public purposes; and

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

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

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

Dated this 7th day of December, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**BILLS**

The following bills have been audited:

Payroll Paid Ending 11-21-09, Paid 11-25-09	849,816.87
Payroll Paid Ending 11-30-09, Paid 11-30-09	1,188,223.65
Pioneer Bank, Taxes Paid 11-25-09	192,835.41
Pioneer Bank, Taxes Paid 11-30-09	280,253.64
SD Retirement System, Paid 12-02-09	370,316.54
SD Retirement System, Paid 12-02-09	215.57
South Dakota Dept of Revenue, Sales Tax Paid 11-23-09	31,313.99
South Dakota Dept of Revenue, Excise Tax Paid 11-23-09	137.56
South Dakota Dept of Revenue, CCTR Sales Tax Paid 11-23-09	27,352.29
Berkley Risk Administrators, Paid 12-01-09	40,638.90
Black Hills Power, electricity	20,904.18
First Administrators, claims paid 11-18-09	71,839.16
First Administrators, claims paid 11-25-09	91,074.56
First Administrators, claims paid 12-02-09	120,901.24
Metropolitan Life	10.69
Montana Dakota Utilities, natural gas	35,115.14
US Bank	18,602.38
Computer Bill List	<u>3,254,628.01</u>
Subtotal	\$6,594,179.78

Payroll Paid Ending 11-21-09, Paid 11-25-09	2,946.93
Pioneer Bank, Taxes Paid 11-25-09	221.42
SD Retirement System	322.74
City of Rapid City – Postage	.48
Wright Express, gas	<u>142.32</u>
Total	\$6,597,813.67

Preston requested to add payments to Heavy Constructors for Change Order #1 Final for the Philadelphia Water Main in the amount of \$2,352.24, Stanley Johnsen Concrete for Change Order #1 Final for Universal Drive Reconstruction in the amount of \$1,361.55, J&J Asphalt for pay request final and Change Order #1 Final for the Downtown Alley Reconstruction project in the amount of \$60,293.73, and Mainline Contracting for Change Order #2 Final for Blaine, Halley, Holcomb, East Jackson and Maple sewer reconstruction in the amount of \$37,284.67. The new bill list total is \$6,699,105.86. Motion was made by Waugh, second by LaCroix 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 Chapman, second by Waugh, and carried to go into Executive Session at 9:10 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 10:15 P.M. with all members present.

**STAFF DIRECTION**

Motion was made by LaCroix, second by Chapman and carried to continue to the December 21, 2009 City Council meeting (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.

Motion was made by Waugh, second by Weifenbach and carried to direct the City Attorney to communicate to the Fraternal Order of Police the City's final best offer.

Motion was made by LaCroix, second by Waugh and carried to direct the City Attorney to communicate to the International Association of Fire Fighters the City's final best offer.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 10:17 P.M.

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)