

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 17, 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 Tuesday, February 17, 2009 at 7:00 P.M.

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

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

ADOPTION OF AGENDA

The following items were added to the agenda:

- Resolution for Minimum Security Facility
- Sales Tax Report for 2008
- Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest related to Item 50
- Kudos to Staff Members, Alderman Hadcock
- Consider Items 64, 65, 66 after Item 102

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

APPROVE MINUTES

Motion was made by Chapman, seconded and carried to approve the minutes for February 2, 2009

AWARDS AND RECOGNITIONS

The Mayor presented the Veteran of the Month award for February 2009 to Earl Jefferson and recognized his efforts and dedication to the service of his country and community.

The Mayor presented a Certificate of Recognition to the following City employees acknowledging their years of dedicated service to the Rapid City community – Sergeant Richard Fox, Rapid City Police Department, 30 years; Vicki Jaco, Rapid City Police Department, 20 years; and Ron Back, Waste Water Treatment Plant, 30 years.

GENERAL PUBLIC COMMENT

Chris Hargens spoke regarding the location of the minimum security prison and urged the Council to vote unanimously on the resolution in opposition of the proposed prison in Rapid Valley.

Joe Lowe, the owner of Reflections of South Dakota, said they are experiencing a lot of drunks downtown that are driving away the downtown shoppers. He hopes that they can create a public drinking ordinance, and he also would like to see the panhandling ordinance enforced. James Van Nuys also spoke about his concern with drunks, panhandlers and mentally ill people in the downtown area. He

supports Mr. Lowe's comments and said this is detrimental to the area for locals and tourists. Siaryn Duggan, owner of The Celtic Connection, said she also agrees with Mr. Lowe. She has had to replace windows in her store due to a drunks falling and breaking them. She said shoppers do not want to come downtown because of the issue, so she hopes there is a constructive solution. Jon Machacek, owner of Roam'n Around, said that he has also experienced issues with the drunks and said panhandling is just as bad. He said that locals and tourists are uncomfortable and bypass stores, which prevents sales.

The Mayor presented the Resolution to Encourage the South Dakota Department of Corrections to Use the City's Landfill Property for the Location of the Expanded Minimum Security Corrections Facility. Motion was made by LaCroix and seconded to approve the resolution. Kooiker hoped that a paragraph could be added or it could be understood that every effort will be made to enlist the services of South Dakota Municipal League (SDML) to advance this in Pierre. Mayor Hanks said he will be going to Pierre and will speak with the Executive Director of the SDML. Hadcock said that she was upset that the state did not work with the public and officials for a better solution. She also stated that she thinks they should work as a city or state to do things differently when putting correction facilities near churches and neighborhoods. She believes that there is a law that can be changed to make a difference and said we need to write to legislators about the issue. Costello expressed his concern for protecting the main entryways to the city. Motion carried with one NO from Costello.

RESOLUTION #2009-024
RESOLUTION TO ENCOURAGE THE SOUTH DAKOTA DEPARTMENT OF CORRECTIONS
TO USE THE CITY'S LANDFILL PROPERTY FOR THE LOCATION OF
AN EXPANDED MINIMUM SECURITY CORRECTIONS FACILITY

WHEREAS, the City of Rapid City is in favor of a minimum security corrections facility located in Rapid City; and

WHEREAS, the City of Rapid City recognizes the Department of Corrections' need for additional space to expand the minimum security corrections facility already located in Rapid City; and

WHEREAS, the City of Rapid City has expressed its willingness to lease City owned real estate to the DOC near the City's landfill off of Highway 79 for one dollar per year; and

WHEREAS, the DOC has proposed to purchase an existing commercial building located off of Elk Vale Road for the purpose of converting it into an expanded minimum security corrections facility; and

WHEREAS, the proposed location off of Elk Vale Road is in close proximity to residential and general commercial areas and may have an adverse impact on the growth and development of the City; and

WHEREAS, the City of Rapid City firmly believes that the best location for the DOC's minimum security corrections facility is off of Highway 79 near the City's landfill.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City encourages the South Dakota Department of Corrections to place the expanded minimum security corrections facility on the City owned site located off of Highway 79 rather than at the proposed location off of Elk Vale Road.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

NON-PUBLIC HEARING ITEMS -- Items 3 – 82

Motion was made by LaCroix, seconded, and carried to open public comment on Items 3 – 50. No comments were offered.

Motion was made by LaCroix, seconded, and carried to close public comment on Items 3 – 50.

CONSENT ITEMS – Items 3 – 50

The following items were removed from the Consent Items:

18. No. LF021109-03 – Confirm appointment of Terri Haverly (Economic Development Representative) and reappointment of Gary Renner (Land Surveyor) and Rich Huffman (Citizen at Large) to the Development Appeals and Review Board for two year terms.
19. No. LF021109-38 – Acknowledge and accept the memorandum to all City employees from the Mayor regarding the ability for City employees to talk to the Mayor, the Human Resources Director, the City Attorney, or a member of the City Council if there is an employment issue and they do not feel comfortable going through the usual chain of command.
39. No. LF012809-14 – Approve Adoption of Non-Union Employee Information Guide.
40. No. LF021109-22 – Approve CDBG Annual Action Plan for FY2009 and authorize Mayor and Finance Officer to sign SF424 and certifications.
49. No. LF021109-33 – Approve Property Tax Abatement, Golden West Teleco, 2008, \$6,039.66.
- 49A. Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest related to Item 5

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

Alcoholic Beverage License Applications Set for Hearing (March 2, 2009)

3. Rapid City Area Chamber of Commerce for a special Beer and Wine License for an event scheduled for March 19, 2009 at The Dahl Fine Arts Center, 713 7th Street
4. Fresh Start Convenience Stores, Inc. DBA Ranch Mart, 520 Birch Ave., for Package (off-sale) Liquor

Public Works Committee Consent Items

5. No. PW021009-16 – Direct staff to work with Mr. Flynn and Mr. Titus to review the request and develop a recommendation regarding the request from Mr. Flynn to Correct a Non-Conforming Sewer Service Line at 1225 Kansas City Street, and report to the Council on February 17, 2009.
6. No. PW021009-10 – Approve Change Order No. 3 Meade Street Reconstruction - Phase 2, to Heavy Constructors, Inc., Project No. DR03-1333 / CIP No. 50416, for an increase of \$16,169.50.

- 7. No. PW021009-11 – Approve Change Order No. 1F for Street Light Breakaway Coupling Replacement, to Conrad's Big "C" Electric, Inc., Project No. SL08-1768 / CIP No. 50747 for a decrease of \$181.00.
- 8. No. PW021009-12 – Approve Change Order #5 for Saint Andrew Street Reconstruction, to Shovelhead Excavating, Inc., Project No. ST07-1604 / CIP No. 50410, for an increase of \$15,526.00.
- 9. No. PW021009-01 – Authorize Staff to Advertise for Bids for Miscellaneous Improvements Project 2009, Sidewalk, ADA Access, Curb & Gutter and Other Improvements to Street Sections in Rapid City, Project No. MIP09-1774.
- 10. No. PW021009-03 – Authorize Staff to Advertise for Bids for 2009 Roadway Painting Project, Repainting Longitudinal Traffic Lines Throughout Rapid City.
- 11. No. PW021009-05 – Authorize Mayor and Finance Officer to Sign Professional Services Agreement with Ferber Engineering Company, Inc. for Planning, Design, and Bidding of Silver Street Area Utility Improvements, Project No. SSW07-656 / CIP No. 50418, in the amount of \$197,280.00.
- 12. No. 09TP002 – Approve 2009-2013 Transportation Improvement Program Amendment No. 09-002.
- 13. No. 09RD001 – Approve a request by City of Rapid City to consider an application for a **Resolution naming the unnamed right-of-way to Glenside Street** on an unnamed right-of-way lying adjacent to Lot D of Lot 3 and Lot 7C and 7D of Lot 7 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located lying north and south of Homestead Street and west of Valley Drive.

RESOLUTION #2009-020

RESOLUTION RENAMING THE UNNAMED RIGHT-OF-WAY TO GLENSIDE STREET

BE IT RESOLVED, by the City of Rapid City, that the unnamed right-of-way lying adjacent to Lot D of Lot 3 and Lot 7C and 7D of Lot 7 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Glenside Street.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Legal & Finance Committee Consent Items

- 14. No. LF021109-36 – Authorize Rapid City Children’s Chorus to apply for and accept grant in the sum of \$3,500 from the South Dakota Arts Council.
- 15. No. LF021109-01 – Confirm appointment of Michelle Lamphere, DelRita Schouten, Thomas Allen, and David Butler to the Beautification Committee for three year terms and confirm appointment of Todd Seaman as the SDDOT representative for a term to expire December, 2009.

16. No. LF021109-37 – Confirm re-appointment of Scott Sogge, Pat Roseland, and Jean Kessloff to the Historic Preservation Commission for three year terms.
17. No. LF021109-02 – Confirm appointment of Dr. Ernest A. Schabauer to the Journey Museum Board for a three year term.
20. Acknowledge the Mayor's report regarding the headlines in the Rapid City Journal on a potential prison site by the Department of Corrections at the intersection of Homestead and Elk Vale.
21. No. LF021109-04 – Acknowledge the Fire Code Review Committee recommendation and request the Mayor bring forward names for a committee.
22. Acknowledge Olson's report on the water main break on Sheridan Lake Road.
23. Acknowledge the soccer land update.
24. No. LF021109-06 – Authorize staff to advertise for bids for six (6) 2009 Chevy Impalas.
25. No. LF021109-07 – Approve Event Permit from Rapid City Downtown Association for Bridal Walk – limo parking to be held on February 21, 2009, from 9:00 a.m. to 5:00 p.m.
26. No. LF021109-08 – Approve Event Permit from Dakota Celts, Inc. for St. Patrick's Day Parade to be held on March 14, 2009, at 9:00 a.m.
27. No. LF021109-34 – Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Robert Looyenga.
28. No. LF021109-09 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (May 11-22, 2009).
29. No. LF021109-10 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (October 18-30, 2009).
30. Authorize staff to apply for the FY 2008 Fire Prevention and Safety Grant from the Department of Homeland Security.
31. No. LF021109-12 – Authorize extension to March 31, 2009, regarding the Homestead Mobile Home Park License Application.
32. No. LF021109-13 – Authorize extension to March 31, 2009, regarding the Prairie Acres Mobile Home Park License Application.
33. No. LF021109-16 – Approve Resolution Increasing the Change Funds for the Rushmore Plaza Civic Center.

RESOLUTION #2009-018
RESOLUTION INCREASING CHANGE FUNDS

WHEREAS, the City Council has approved various change funds for use by the staff in operation of the Rushmore Plaza Civic Center; and

WHEREAS, the operation of the new ice arena necessitates an increase in the previously approved funds; and

WHEREAS, the Council believes it is in the best interest of the City of Rapid City to increase the maximum amounts of the various cash funds to insure the continued efficient operation of the Rushmore Plaza Civic Center.

NOW, THEREFORE BE IT RESOLVED, by the City Council, that the Rushmore Plaza Civic Center funds are increased by the amounts as shown:

- Civic Center Change Fund by \$27,500 for a total of \$35,000
- Box Office Change Fund by \$15,000 for a total of \$20,000
- Petty Cash Fund by \$500 for a total of \$1,000

BE IT FURTHER RESOLVED, that the City Finance Officer is authorized to issue a treasurers check in the amount of \$43,000 for the purpose of increasing Rushmore Plaza Civic Center Change Funds.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 34. No. LF021109-17 – Request staff to draft an ordinance to assign wards and precincts to newly annexed areas.
- 35. No. LF021109-18 – Recommend Bradeen Auctions, Inc. as the auctioneer for the City auction on a three-year contract.
- 36. No. LF021109-19 – Approve Resolution Declaring Property Surplus.

RESOLUTION #2009-019
RESOLUTION DECLARING PROPERTY SURPLUS

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

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

- Police
- 1981 Harley Davidson FLH Motorcycle, S/N: 1HD1AHK1XBY022533
- 1987 Harley Davidson FXRP Motorcycle, S/N: 1HD1EDL17HY1210
- 1987 Chevrolet Suburban S/N: 1GNGV26K5HF173579
- 1995 Chevrolet Blazer S/N: 1GNDDT13W5S2217198
- 1999 Ford Crown Victoria S/N: 2FAFP71W1XX173240
- 2004 Ford Crown Victoria S/N: 2FAHP71W95X109291
- 2005 Ford Crown Victoria S/N: 2FAHP71W55X109286
- 2006 Ford Crown Victoria S/N: 2FAFP71W66X107295

- 2006 Ford Crown Victoria S/N: 2FAFP71W06X107292
- 2006 Ford Crown Victoria S/N: 2FAFP71W26X107293
- 2007 Ford Crown Victoria S/N: 2FAFP71WX7X114042
- 2007 Ford Crown Victoria S/N: 2FAFP71W07X114048
- 1984 Eagle Coach Bus S/N: 1EUAN6A1XEH031206
- Colt fully automatic rifle S/N: HT010751
- Colt fully automatic rifle S/N: HT006094
- Colt fully automatic rifle S/N: HT011084
- 16 – 30 round magazine
- 8 – 20 round magazine

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

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 37. No. LF021109-20 – Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION #2009-017
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 \$37,143.17 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 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 38. Acknowledge the following volunteers for workmen’s compensation purposes: Dalton Baker, Pandi Bollock, Abigail Gustafson, Grant Mason, Janet Noble, Charles Palmer, Shayla Seales, Jake Martin.

- 41. No. LF021109-35 – Authorize Mayor and Finance Officer to sign Granicus, Inc. Service Agreement.

42. No. LF021109-24 – Approve Travel Request for Public Works staff to attend 2009 Public Works Goal Setting Seminar at the Rushmore Plaza Civic Center March 6-9, 2009, in the approximate amount of \$955.35.
43. No. LF021109-25 – Acknowledge Waterfowl Management Plan (prepared by the Urban Wildlife Committee).
44. Authorize staff to apply for a South Dakota Recreational Trails Program Grant for trail development in the Skyline Wilderness Area and the Chuck Lien Family Park.
45. No. LF021109-29 – Formally declare property at 1520 5th Street (Howard Liebowitz) a nuisance and order it be demolished.
46. No. LF021109-30 – Formally declare 1630 Pine Street a public nuisance and to hold abatement of the property in abeyance until June 1, 2009.
47. No. LF021109-31 – Acknowledge raffle request from Counts of the Cobblestone Car Club.
48. No. LF021109-32 – Acknowledge request from Children’s Miracle Network for 20th Annual Great Black Hills Duck Race.

Growth Management Department Consent Items

50. No. 08PL179 – Approve a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 5 of Block 1, Lots 1 thru 7 of Block 2, Lot 1 of Block 3 and the drainage Lot 1, Elks Crossing Subdivision, all located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted parcel located in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of intersection of Elk Vale Road and Willowbend Road and south of the existing Plum Creek Development.

END OF CONSENT CALENDAR

Motion was made by Kooiker and seconded to (No. LF021109-03) Confirm appointment of Terri Haverly (Economic Development Representative) and reappointment of Gary Renner (Land Surveyor) and Rich Huffman (Citizen at Large) to the Development Appeals and Review Board for two year terms. Chapman clarified that the accompanying document states that Ms. Haverly will replace Mike DeMersseman, but she will actually replace Bob DeMersseman. Motion carried.

Motion was made by Kooiker and seconded to (No. LF021109-38) Acknowledge and accept the memorandum to all City employees from the Mayor regarding the ability for City employees to talk to the Mayor, the Human Resources Director, the City Attorney, or a member of the City Council if there is an employment issue and they do not feel comfortable going through the usual chain of command. Kooiker asked that the document acknowledge that members of other boards can be visited with as well, and he asked that this is adopted as official city policy. Responding to Kooiker, Green said that it would not be appropriate to amend the memorandum from the Mayor. He suggested that if Kooiker wants this an official resolution of the city he would need to offer a motion to endorse the Mayor’s memorandum, and that action would be a resolution of the Council. Kooiker stated that the intent of his motion is to endorse the memorandum and to state the Council’s intent that it apply to members of subsidiary boards as well as the City Council. The seconder agreed with the change to the motion. Responding to a question from Hadcock, the Mayor clarified that personal concerns can be addressed as well. Motion carried.

Motion was made by Kroeger and seconded to (No. LF012809-14) Approve Adoption of Non-Union Employee Information Guide. Kooiker pointed out that the organizational chart does not mention the City Council and asked that the contact information and terms of office be updated. He said he would like to add a copy or reference the memorandum to all City employees from the Mayor in the Employee Information Guide.

Amendment motion was made by Kooiker and seconded to add the previously adopted memorandum as a page in the Employee Information Guide. Green encouraged the Council not to add this as the previous action is a city-wide policy, and it applies to more than just the non-union employees. He stated that there is a reference in the guide to other city-wide policies, orders, guidelines, directives and instructions and this statement would encompass the action that the Council previously took. The document is intended to give basic information specifically to non-union employees. Hadcock agreed with Kooiker that the organization chart needs to be updated, but she said it sounds like employees are getting the information without having to put it in the non-union guide. Upon roll call vote being taken, the following voted AYE: Kooiker, Kroeger, Costello, Hadcock, Martinson and Weifenbach; NO: LaCroix and Chapman. Amendment motion carried.

Second amendment motion was made by Hadcock and seconded to update page five to include contact information and correct the Council term dates. Motion carried.

Chapman stated his support for the guide in its original form and believes they have done a disservice to it by adding the policy that was previously adopted. He encouraged the Council to vote against approving the Employee Information Guide with the amendments.

Motion was made by Hadcock and seconded to reconsider the first amendment. Responding to a question from Costello, Green explained that the policy previously approved has application to all City employees, not just those in the non-union group. He pointed out that there are no other city-wide policies included in the non-union Employee Information Guide. There is a grievance process in the guide and inserting this policy would cause confusion. He does not feel it is appropriate to include a city-wide policy in a specific employee group information guide. Kooiker said it does not hurt to have the policy attached to the guide and is opposed to reconsidering the amendment. Responding to a question from Weifenbach, Green stated that there are differences between each union contract and the non-union information guide. Upon roll call vote being taken, the following voted AYE: Kroeger, Costello, Hadcock, LaCroix, Martinson, Chapman; NO: Weifenbach and Kooiker. Motion carried.

Debate continued on the first amendment. Hadcock said most people who speak with her just ask her for help and they do not read the handbook. LaCroix supported the amendment to update contact information but not to add the memorandum to the guide. Chapman encouraged voting against the amendment. Responding to a question from Martinson, Green explained that the memorandum from the Mayor will be distributed to all City employees. He said the Employee Information Guide is distributed to non-union employees when they are hired and the memorandum can be distributed as well if the Council approves. He also said that the non-union Employee Information Guide is linked to the intranet and the memorandum previously endorsed will be available there too. Kooiker said he wanted this added to the information guide and all other employee guides and thinks it is important to endorse the concept of being able to approach the Mayor or Council members for any reason. Costello pointed out that if the memorandum is handed to an employee separate from the guide it will have a greater impact. Responding to a question from Weifenbach, Green confirmed that this memorandum will be with other city-wide policies distributed at the same time as the handbook. Knowing that the memorandum would be distributed, Kooiker withdrew his amendment motion.

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

Motion was made by Kooiker and seconded to (No. LF021109-22) Approve CDBG Annual Action Plan for FY2009 and authorize Mayor and Finance Officer to sign SF424 and certifications. Alderman Weifenbach wanted to acknowledge that he was abstaining from voting on this item. Motion carried with Weifenbach abstaining.

Motion was made by Hadcock and seconded to (No. LF021109-33) Approve Property Tax Abatement, Golden West Teleco, 2008, \$6,039.66. Alderman Kooiker wanted to acknowledge that he was abstaining from voting on this item. Motion carried with Kooiker abstaining.

Motion was made by Hadcock and seconded to Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest related to the Preliminary Plat for lots in Elks Crossing Subdivision. Responding to a question from Hadcock, Elkins confirmed that there are no other sidewalks on the area, but there will be sidewalks constructed along an interior roadway network. Motion carried.

NON-CONSENT ITEMS – Items 51 – 82

Motion was made by Chapman, seconded and carried to open public comment on Items 51 – 82. Rebecca Mann represented BankWest and stated that the code violations have been resolved in Deluxe and Countryside Mobile Home Parks. She added that there are three trailers that need to be removed, but they need additional time to do that. Estelle Wessel addressed the downtown parking situation and asked how the parking will be handled in front of and to the west of the Dahl Towers apartment building. Mayor Hanks explained that there will be a special Council meeting scheduled to address those concerns. Mary Renka, Black Hills Psychiatry, said she is opposed to doubling the rate of meters since they see patients who are on fixed incomes. She stated that the outlying areas of downtown business owners were not represented on the Downtown Parking Committee and would like to be allowed to give input. Jeanette Durlow stated that the proposed plan contradicts the 1991 Downtown Master Plan in that it has higher fees in the least accessible and least convenient areas. Roger Frye stated his opposition to the proposed downtown parking plan and believes the committee was unfair. He said this parking plan will defeat downtown business. Julie Frye Mueller said she feels that information was withheld since she was unaware of the recent meeting on the parking plan. She said that if Main St. and St. Joseph Street do not have meters their street should not have them either. Kelly Tumas, owner of Motions, expressed her disappointment that she was not notified of the recent meeting, and she wants to ensure building owners as well as tenants are notified of all meetings. Mayor Hanks pointed out that the agendas are posted on the City website. Don Rathert, representing Western Dakota Gem and Minerals Society, said that they will hold their 29th annual show in June. The dealers at the show do not cause any problems, and the show will be 'killed' if the background checks are required. He urged the Council to vote against Ordinance 5444. Dick Phips, representing the Black Hills Coin Club, stated that Rapid City is the only city in South Dakota to require a license for gems, minerals and coins. They are bidding the 2010 state coin show, and it will be difficult or impossible to have the show in Rapid City with this Ordinance. He said that coins, currency, gems and minerals should be deleted from Ordinance 5444. Arlene Ainslie stated her appreciation for the Humane Society being on the agenda. She has learned a lot about the program through volunteer work, and she hopes the Council considers being a part of the decisions made there. George Stone said he has reservations about the operation of the Humane Society and the Board. He said there is chaos and a lack of focus and believes that is a direct reflection on the Board. The situation requires attention in order to improve.

Motion was made by Chapman, seconded and carried to close public comment on Items 51 – 82.

Ordinances

Ordinance No. 5480 (No. LF021109-11) An Ordinance Creating Chapter 15.15 of the Rapid City Municipal Code Entitled International Existing Building Code was introduced. Motion was made by

Kooiker, seconded and carried that Ordinance No. 5480 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5478 (No. LF021109-14) An Ordinance Revising the Regulations for Travel Parks by Amending Sections 12.44.010, 12.44.140, 12.44.220, and 12.44.250 of Chapter 12.44 of the Rapid City Municipal Code. Motion was made by Kooiker, seconded and carried that Ordinance No. 5478 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5481 (No. LF021109-26) An Ordinance Authorizing Water Bill Rebates for Purchase and Installation of Certain Water Conserving Appliances and Fixtures by Adding Section 13.04.655 to the Rapid City Municipal Code. Motion was made by Kooiker, seconded and carried that Ordinance No. 5481 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5482 (No. 09RZ004) 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 General Commercial District** on Tract B of Lot 2 of Lot A and Lot 1 of Tract A, all of Barnhart Subdivision, and the 150 foot wide East Highway 44 right-of-way located south of Tract B of Lot 2 of Lot A and Lot 1 of Tract A of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2800 East Highway 44. Motion was made by Kooiker, seconded and carried that Ordinance No. 5482 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5483 (No. 09RZ005) 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 Lot 5 of Marshall Subdivision and the south 25 feet of Homestead Street located adjacent to Lot 5 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2345 Homestead Street. Motion was made by Kooiker, seconded and carried that Ordinance No. 5483 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5484 (No. 09RZ006) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Frank Boyle for a **Rezoning from Light Industrial District to General Commercial District** on Lot 3 of Lot D of K-W Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3637 Edwards Street. Motion was made by Kooiker, seconded and carried that Ordinance No. 5484 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5485 (No. 09RZ007) 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 General Commercial District** on Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, and the 150 foot wide East Highway 44 right-of-way located south of Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, and the 66 foot wide Valley Drive right-of-way located west of the Lot 1A of Lot 1 of Lot A of the SW1/4 SW1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 East Highway 44. Motion was made by Kooiker, seconded and carried that Ordinance No. 5485 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5486 (No. 09RZ008) 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 General Commercial District** on Lot 14 less the west 100 feet of

Hillsview Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1475 Valley Drive. Motion was made by Kooiker, seconded and carried that Ordinance No. 5486 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 2, 2009.

Ordinance No. 5472 (No. LF012809-33) An Ordinance Repealing Chapter 15.12 of the Rapid City Municipal Code In Its Entirety And Adopting A New Chapter 15.12 Of The Rapid City Municipal Code Entitled International Building Code having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5472 was declared duly passed upon its second reading.

Ordinance No. 5474 (No. LF012809-34) An Ordinance Creating Chapter 15.14 of the Rapid City Municipal Code Entitled International Property Maintenance Code having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5474 was declared duly passed upon its second reading.

Ordinance No. 5473 (No. LF012809-35) An Ordinance Repealing Chapter 15.13 of the Rapid City Municipal Code In Its Entirety And Adopting A New Chapter 15.13 Of The Rapid City Municipal Code Entitled International Residential Code having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5473 was declared duly passed upon its second reading.

Ordinance No. 5471 (No. LF012809-11) An Ordinance Regarding Supplemental Appropriation No. 2 for 2009 having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5471 was declared duly passed upon its second reading.

Ordinance No. 5470 (No. LF012809-21) An Ordinance To Regulate the Maximum Speed of Vehicles Traveling in the City of Rapid City by Amending Section 10.12.310 of the Rapid City Municipal Code. having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5470 was declared duly passed upon its second reading. Responding to a question from Weifenbach, Green explained that the current ordinance does not specifically state that a person cannot drive faster than the posted speed limit. This ordinance makes it perfectly clear and does not change any existing speed limits or fines.

Legal & Finance Committee Items

Motion was made by Weifenbach and seconded to (No. LF012809-01) Approve a time extension to February 26, 2009, for BankWest to complete the code violations at Deluxe Mobile Home Park and Countryside Mobile Home Park with the request that once the work on the violations is completed and an inspection done, a letter be sent to the City Council stating that the work is done. Based on the report received earlier, it appears the violations have been taken care of with the exception of moving the three trailers. Kooiker asked Rebecca Mann, Attorney for BankWest, how long it will take to remove the trailers. Mann responded that she is not sure of a date as there is a legal process they need to follow.

Substitute motion was made by Kooiker and seconded to acknowledge receipt of the information that all violations have been corrected with the exception of the three mobile homes and request a status report of the three trailers during the April 15, 2009 Legal and Finance Committee meeting. Mann confirmed that the three trailers have been abandoned and must be removed so they can receive the permit for the mobile home park. Motion carried.

Motion was made by Kooiker and seconded to Schedule a Special Council meeting to take action on the parking plan and the parking ordinance on Monday, February 23, 2009 at 7:00 p.m. in City Council Chambers. Chapman asked that the Council is respectful of the time restraints as he and other Council members have other obligations on that day and time. He suggested that the meeting is scheduled through the Mayor's office instead. Weifenbach said he is ready to vote on the issue and make a decision. He is not in favor of having a special meeting on parking. Hadcock explained that the special meeting is intended to allow people to voice their concerns who were not able to make the Legal and Finance meeting. She asked that the building owners and renters are both notified of the meeting. Kroeger asked if the committee meetings were publicized. Monica Heller said committee members were notified with an agenda but the meetings were not advertised in the paper. She added that in the past they had several open houses, a Special Council meeting, and Legal and Finance meetings which were advertised. Kroeger asked that the parking committee is available at the Special Council meeting and stated he is not in support of the First Reading. Chapman suggested that the First Reading is continued to the special Council meeting.

Substitute motion was made by Hadcock and seconded to have the Mayor's office determine the date for the special meeting and continue (No. LF021109-27) First Reading of Ordinance No. 5479, An Ordinance Implementing the Recommendations of the Downtown Revitalization Task Force and Downtown Parking Committee by Adopting Parking Regulations for Certain Areas of Rapid City by Amending Chapter 10.44 of the Rapid City Municipal Code and (No. LF021109-28) Approve Resolution Establishing the Fees, Locations and Duration of Meters to be Installed in the City's Meter Parking Zone Pursuant to Section 10.44.020 of the Rapid City Municipal Code to the Special Council meeting agenda. Motion carried with one NO from Weifenbach.

Motion was made by Kroeger and seconded to (No. LF021109-15) Approve Resolution Acknowledging a Correction to the Minutes for the January 5, 2009 Council Meeting with the request that reference is made in the Resolution to the attached transcript. Green clarified that the recommendation from committee was to only approve the resolution acknowledging the correction, not to include the transcript. Motion carried.

RESOLUTION #2009-023
RESOLUTION ACKNOWLEDGING A CORRECTION
TO THE JANUARY 5, 2009 COUNCIL MINUTES

WHEREAS, on January 5, 2009 the City Council approved a travel request for Malcom Chapman, Bill Okrepkie and Deb Hadcock to attend the 2009 National League of Cities Congressional City Conference in Washington, D.C.; and

WHEREAS, the minutes of the January 5, 2009 Council meeting were approved on January 20, 2009; and

WHEREAS, the minutes of this meeting included the statement "**She (Deb Hadcock) will remove herself from the trip and believes it is inappropriate for someone to think that she should not attend.**" in the discussion proceeding the approval of this travel request; and

WHEREAS, a subsequent review of the audio tapes of this meeting found that no such statement was made.

NOW, THEREFORE BE IT RESOLVED, by the City Council, that this statement should not have been included in the official minutes of the January 5, 2009 meeting.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

TRANSCRIPTION

(22:47 minutes into the meeting)

Hadock said, "Actually, I'll be there less time. I just haven't put that in. They had to put the full amount in there because I wanted to go for sure for the classes so that might cut down on some of the expense as well. I go there for the education and those first two days you're in class the whole time and those are the main reasons why I go. They have some economy classes this year and some things that are really beneficial to what's happening right now in the economy. So, long story short, I probably won't be there for the full amount of time so that will cut down the amount of the conference for me as well. So, that might help so other people want to go or I'm not opposed if somebody else would like to go that hasn't gone and this Council is going to pick and choose, you can take me off. I'm okay, but I'd like to go because of those to days of education."

Weifenbach made a substitute motion to continue. Upon roll call vote, the motion failed.

(25:45 minutes in to the meeting)

Kooiker said, "Thank you, Mayor. I heard a couple of things in the earlier discussion and I... One is I heard that there would... it appears that there would likely be a request for a supplemental appropriation later this year, and I just want to lay my cards on the table and state that I believe that would be...that would not be appropriate. Secondly, we do have two Council members that had requested prior to the deadline and a 3rd that...who requested more recently. All three have had a fairly similar amount of travel. So, if it was a new Council member that...or someone who hadn't traveled a lot that came and requested, I think it would be reasonable to send, you know, to send that person instead of one of the others, but I think it is reasonable to send just two and I think we should accept Council President Hadcock's offer to withdraw from the trip. So, I think that that's fair so if she is willing to offer to withdraw I think she can go ahead and do that now and we can continue with this item. Thank you." Mayor Hanks said, "Motion on the floor is for approval. Any further discussion? Let's go to Alderwoman Deb Hadcock." Hadcock said, "Actually, I'll be going with less time is what I said, and if somebody else wanted to go that hadn't gone and we were going to make an issue out of this, then I wouldn't be going but I'm not going to go just because someone thinks that at this time, picking and choosing it to be me, I think is inappropriate. Thank you."

Motion was made by Kooiker and seconded to (No. LF021109-21) Approve Financial Advisor for the sale of bonds for the Jackson Springs/Mountain View Road Water Treatment. Responding to a question from Weifenbach, Preston explained that the recommendation is that Springsted is the Financial Advisor for a number of proposals dealing with water and sewer construction projects that are coming forth over the next several years. Mayor Hanks added that there were five applicants and phone interviews were conducted. Mayor Hanks, Alderman Kroeger, Pat Burchill, Jim Preston, Pauline Sumption, Joel Landeen

and Dan Coon ranked each applicant. Springsted does not do underwriting, so there will be a separate Financial Advisor. Motion carried.

Motion was made by Kooiker and seconded to (No. LF011409-20) Direct the City Attorney's office to draft the Ordinance changes to eliminate the license for metals and gems entirely. Responding to a question from Chapman, Green explained that he originally recommended an option to establish a temporary license for a promoter of a metals and gems show and the alternative recommended option was to eliminate the license. Either option is well justified. Motion carried with one NO from Chapman.

Ordinance No. 5444 (No. LF102908-21) An Ordinance to Provide for Criminal History Records Checks for Certain Business Licenses by Amending Various Sections of Title 5 of the Rapid City Municipal Code having passed its first reading on December 1, 2008; motion was made by Kooiker and seconded that the title be read the second time. Based on the Council's direction in the previous item, Green recommended that they strike the provision of the Ordinance that requires the background check for metals and gems licenses.

Amendment motion was made by Hadcock and seconded to strike the amendment to section 5.40.020 of Ordinance 5444 pertaining to metals and gems dealers. Responding to a question from Kroeger, Green confirmed that vendors can do a background check before the Ordinance is in effect in order to begin their business. Amendment motion carried.

Discussion continued on the motion to approve as amended. LaCroix stated his concern for the importance of background checks for ice cream vendors due to child molestation issues. Responding to a question from Hadcock, Allender explained that background checks are performed on people who have unsupervised contact with children, and they provide peace of mind. Weifenbach said the Ordinance is appropriate and encouraged moving it forward. Kooiker said he would like an amendment that requires the display of the license. Green stated that amendment would not fit this Ordinance and suggested that he add the topic to the next Legal and Finance agenda. Responding to a question from LaCroix, Green stated that background checks are done for seasonal employees for the City each time they are hired, and permanent employees go through the process once when they are hired. Green clarified that if a City employee is later arrested for something that would be caught in a background check it is very likely that it would affect their ability to come to work, so the City would find out. Responding to a question from Hadcock, Green stated that he is not aware of any ice cream vendors who have employees, but the license is needed by anyone who runs the truck. Upon vote being taken, the following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, and Weifenbach; NO: Chapman; whereupon the mayor declared the motion passed as amended and Ordinance No. 5444 was declared duly passed as amended upon its second reading.

Public Works Committee Items

Motion was made by Kroeger and seconded to (No. PW101408-17) Formally accept a warranty deed to land on the south 464.64 feet of the SE1/4 NW1/4 NE1/4 of Section 21, the south 464.64 feet of the NE1/4NE1/4, less Lot H1 of Section 21 and the SE1/4NE1/4 of Section 21, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of County Road and Elk Vale Road a distance of approximately 850 feet on the east side of Elk Vale Road. Weifenbach stated that he looked at the pros and cons for each property and feels that the Wally Byam site should have been selected. He said the selection process has been complicated and flawed. He added that the costs involving the taxpayers for the Wally Byam site are substantially less than the Elk Vale site and expressed his concern that they are setting up the Soccer Association for failure. Kroeger stated that there was an opportunity many years ago to sell a small portion of the Wally Byam site. The City Council said they were not interested in selling, and he also is not willing to give them that property as it is a very expensive piece of land. He believes that the Soccer Association thoroughly understands that this is for the land only. Responding to questions from Hadcock, Chapman

pointed out that the question before the Council tonight is if the Council wants to formally accept the warranty deed on the North Elk Vale site. Hadcock said it makes sense to give them an area that has the infrastructure. The Wally Byam site has the infrastructure, and the front portion of the land can be sold while the back portion of the land can be used for soccer. Chapman explained that the task force worked hard to deal with one issue at a time to make decisions. He pointed out that if the North Elk Vale land is accepted tonight there are still four and a half years to put recreational use out there. He stated that the Council needs to make decisions, and he pushed the Council to vote so that soccer can move forward. Weifenbach reiterated that he believes that the process has been flawed from the beginning. He said he feels that there has been hesitance to talk about how it came to this position, and he said that the 80 acre donation was made to get a TIF to get infrastructure to build something else. He stated that taxpayers need to be prepared to pay for this beyond reason. Hadcock confirmed that there was a TIF brought forward on this and said the TIF was for accepting and putting in infrastructure with the soccer people. She added that it would be easier if we gave them a piece of land that already has the water and sewer. She said the goal is to help the Soccer Association find a piece of land that would be accomplishable and does not believe that the North Elk Vale site has the ability of taking care of these people. Responding to a question from Costello, Elkins confirmed that the majority of the North Elk Vale site is zoned as light industrial. Costello views the land as an opportunity for a recreational area, not specific to soccer. Responding to a question from Costello, Green clarified that the deed states that the City must use the property for recreational purposes but does not mandate the manner in which it is used. Costello stated that he supports the motion as accepting the land would secure 80 acres for parkland. Martinson reiterated that accepting this deed would not commit the land to soccer use.

Substitute motion was made by Kooiker and seconded to deny formal acceptance of the deed. Costello asked what improvements can be made to show that this land is being used for recreation and said we can take our time on this. Responding to a question from Weifenbach, Green clarified that the Council voted to designate the North Elk Vale land as the site for soccer. He explained that in order to have the transfer of land the deed must be given to the person receiving the land, and the Council had not formally received the deed. There has been question as to whether or not the transfer has been legally effective, so this item is to clear up any ambiguity. Chapman explained that the process was convoluted so the task force was created. Their direction was to 'help' soccer Rapid City, so the task force came up with criteria as to what that meant. If the land is accepted and soccer does not meet the requirements of 2012, then we still have 80 acres of land for recreational use. Hadcock pointed out that we need to give soccer a site that is achievable, and it is not right to take away the land from soccer if they have worked on it for four years. She said if we are going to accept it as parkland then a different site should be designated for soccer. Costello stated that if the Soccer Association is unable to raise the funds needed then another site can still be designated. Martinson said it is up to the soccer community to make this work. Chapman stated that the project plan approved in 2005 for 2012 said that the City would deliver \$3.8 million in land to the soccer community, so we need to designate land and give them an opportunity to do what they want to do.

Question was called by Kroeger. Upon roll call vote being taken, the following voted AYE: Hadcock, Weifenbach and Kooiker; NO: Kroeger, Costello, Martinson and Chapman. Substitute motion failed on a 3 to 4 vote with LaCroix abstaining.

With the original motion on the floor, question was called by Chapman. Kooiker objected and Chapman withdrew. Kooiker said that the Council has not been provided a copy of the appraisal for the property, and he also pointed out that the donor was invited to attend Council meetings on this subject and declined. He believes that there is more to this than just a donation for soccer and is disappointed that they have been denied the appraisal information. He said we have not received all of the information from this donor in the past, and we are being denied public information again. Kooiker said it is important to get the appraisal since the soccer organization has indicated that the property donation might be considered part of the match. He does not believe that this land comes with no strings attached. Chapman said that decisions must be made so that the soccer community knows what is expected of

them. He said he is not sure it is so important to have the value of the land if it is being gifted. Responding to a question from Costello, Green clarified that the City is required to use the property for recreational purposes by June 1, 2013. Upon roll call vote being taken, the following voted AYE: Costello, Hadcock, Martinson, Chapman, and Kroeger; NO: Weifenbach and Kooiker. Motion carried on a 5 to 2 vote with LaCroix abstaining.

Motion was made by Kroeger and seconded to (No. PW021009-13) Approve the resolution presented indicating the City's support for the addition of a bike lane on Jackson Boulevard for delivery to the SDDOT. Costello asked a member of the audience his opinion on the need for bicycle lanes on Jackson Boulevard. Mr. Thurston stated that there is dramatic need for bicycle lanes on Jackson Boulevard and the commuter bicycle belongs on the street as sidewalks are dangerous. Costello expressed his support for this resolution and hopes that this will get us moving on an overall plan for bicycle routes in Rapid City. Responding to a question from Hadcock, Elkins explained that curbside sidewalks would be covered when snowplowed, so she encouraged the Council to address that in the resolution. Friendly amendment was offered by Hadcock to state that the Common Council of the City of Rapid City supports the construction of sidewalks that are separated from the roadway to ensure that pedestrian safety is preserved. Upon vote being taken on the motion as amended, motion carried.

RESOLUTION #2009-025
RESOLUTION IN SUPPORT OF A COMMUTER BICYCLE LANE
ALONG JACKSON BOULEVARD

WHEREAS, Jackson Boulevard (SD 44) is scheduled to be rebuilt from Mountain View Road to Chapel Lane by the South Dakota Department of Transportation; and

WHEREAS, Jackson Boulevard is a major link between the west and south parts of Rapid City and the rest of the City; and

WHEREAS, according to 2007 figures, 11,000 vehicles per day use Jackson Boulevard west of Sheridan Lake Road, and 21,000 vehicles per day use Jackson Boulevard east of Sheridan Lake Road; and

WHEREAS, it is the intention of the South Dakota Department of Transportation that the reconstruction of Jackson Boulevard will result in a viable thoroughfare for the next 60 years; and

WHEREAS, there is increasing interest in the community for commuter bicycle travel; and

WHEREAS, the inclusion of a commuter bicycle lane in the reconstruction of Jackson Boulevard would result in reduced reliance on fossil fuels; and

WHEREAS, the inclusion of a commuter bicycle lane would encourage the adoption of a healthier lifestyle by the citizens of Rapid City; and

WHEREAS, the construction of a commuter bicycle lane in conjunction with the reconstruction of Jackson Boulevard is the most cost effective means of providing the lane; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City of Rapid City that a commuter bicycle lane be constructed along Jackson Boulevard during its reconstruction.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Rapid City hereby supports the construction of a commuter bicycle lane along Jackson Boulevard during its reconstruction by the South Dakota Department of Transportation.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Common Council of the City of Rapid City hereby supports the construction of sidewalks that are separated from the roadway to ensure that pedestrian safety is preserved and protected.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Kroeger and seconded to (No. PW021009-16) Direct staff to develop an amendment to Ordinance #5388 in order to provide alternative assignments of costs on bringing private nonconforming water and sewer serve lines up to current standards. Responding to a question from Hadcock, Ellis explained that Ordinance 5388 in effect created the 70/30 program to bring nonconforming water and sewer lines up to code, which then repealed the resolution that established the 40/60 program for the same purpose. This amendment will bring back the 40/60 program. Ellis will bring back a recommendation after looking into the issue further. Chapman expressed his concern that this ordinance will be a moving target. Ellis explained that there was a misunderstanding when Ordinance 5388 was passed. Green clarified that the Ordinance repealed the prior resolution, and to make a change they need to direct the preparation of an amendment. Weifenbach stated that he would like to know how the City determines that a line is private. The Mayor said that the staff will bring that information forward when they make a recommendation. Motion carried.

Motion was made by Kroeger, seconded and carried to (No. PW021009-14) Authorize Staff to Prepare an Agreement accepting the drainage lot located in an unplatted parcel in the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota number, with stipulation of meeting design standards and criteria before acceptance.

Motion was made by Kroeger, seconded and carried to (No. 09EX006) Approve an Exception Request to allow curbside sidewalk with rolled curb on Lots 1A, 1B, 1C, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10, 10A, 10B, 11 of Block 1; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, of Block 2; Block 3; Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, utility Lot 1, Outlots 1 thru 3, of Block 4; Block 5; and the dedicated public right-of-way, Skyline Village Subdivision, located in the SE1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, BHM, Rapid City, Pennington County, South Dakota. (08PD067 and 08SV059).

Bids

The following companies submitted bids for (CC021709-02.1) One (1) 2009 ADA Accessible Raised Floor Transit Vehicle opened on February 6, 2009: Harlow’s Bus Sales, Inc. Staff reviewed the bids and recommends the bid award to Harlow’s Bus Sales, Inc. Motion was made by Hadcock, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Harlow’s Bus Sales, Inc. for a total contract amount of \$85,874.00

The following companies submitted bids for (CC021709-02.2) Blaine, Halley, Holcomb, East Jackson and North Maple Sanitary Sewer Reconstruction, Project No. SS08-1711 / CIP No. 50420 opened February 10, 2009: Highmark, Inc., Mainline Contracting, Inc., Quinn Construction, Inc., Hills Materials Co., Site Work Specialists, Inc., RCS Construction, Inc., Rapid Construction, and Simon Contractors.

Motion was made by Costello, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Mainline Contracting, Inc., for a total contract amount of \$415,462.20.

Mayor's Items

The Mayor reported that in 2008 the general sales tax rose by 5.92%, and the BBB tax in 2008 rose by 4.61%. The numbers are on an accrual basis, which is most accurate. He offered to provide the cash basis numbers for anyone who is interested, and he said he would make the 2012 fund and CIP information available for anyone who requests it. Chapman expressed his interest in seeing the other numbers as well as BID. Mayor Hanks agreed to forward the information and the BID information to all Council members. Weifenbach asked that the Mayor also add the property tax revenue for 2008. Motion was made by Chapman, seconded and carried to acknowledge the report.

Council Items & Liaison Reports

Alderman Hadcock expressed her appreciation for the way the City staff has supported their employees who have passed away.

Katie Stulc, President of the Humane Society Board, reported that they have been speaking with a consulting group to determine how they want to move forward. They have the animals at heart, but they must look at the business aspects as well. Kooiker stated that there is confidence in the mission of the Humane Society, but there is concern based on the turn over and other issues there. Kooiker believes that they need to appoint members to the board and that the Council liaison should have full voting ability.

Motion was made by Kooiker, seconded and carried to continue the Humane Society discussion to the April 15, 2009 Legal and Finance Committee meeting. Hadcock stated that the situation with the Humane Society is embarrassing for the City and County. She said the Board must be accountable and would like to know the real issues. Stulc stated that it is not fair for the current Board to be blamed for past events. Currently, they are being proactive and assessing needs. The Board meetings are the fourth Thursday of each month, and they are open to the public. Weifenbach stated his appreciation for the Board's efforts trying to straighten out the situation. LaCroix also expressed his appreciation. The Mayor pointed out that the Board has amended their bylaws to allow the City and County five appointments. It was indicated that the bylaws state that the Board can be up to fifteen members and no less than nine.

PUBLIC HEARING ITEMS – Items 83 – 99

Motion was made by Chapman, seconded and carried to open the public hearing on Items 83 – 99. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 83 – 99

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

Continue the following items until March 2, 2009:

82. No. 08PL098 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 29 thru 33 of Block 3 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.

83. No. 08PL116 - A request by Sperlich Consulting, Inc. for Zandstra Real Estate Holdings for a **Preliminary Plat** on Lots 8 thru 12 of Block 8, Lots 5 thru 9 of Block 9, Lots 17 thru 23 of Block 10, Lots 4 thru 18 of Block 11 and Lots 1 thru 10 of Block 13 of Elks Country Estates, located in a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the E1/2, Section 16, T1N, R8E, BHM, located in the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north and south sides of the intersection of Jolly Lane and Padre Drive and adjacent to Forest Oaks Court.
84. No. 08PL131 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.
85. No. 08PL137 - A request by Britton Engineering & Land Surveying for Linda Weins for a **Layout Plat** on Lots 1 thru 4 of Weins Subdivision, formerly an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel located in the E1/2 NW1/4 SW1/4 less Lot 1 of Trusty Subdivision and less County Road Right-of-way all located in Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located at 13924 Neck Yoke Road.
86. No. 08PL143 - A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC for a **Preliminary Plat** on Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest terminus of Bunker Drive.
87. 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.

88. No. 08PL176 - A request by Renner & Associates for Pete Lien and Sons for a **Preliminary Plat** on Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.
89. No. 08SV047 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.
90. No. 08SV054 - A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest terminus of Bunker Drive.
91. No. 08SV057 - A request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Sturgis Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, located at the

Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.

92. No. 08VR008 - A request by D.C. Scott Co. Land Surveyors for William Taylor for a **Vacation of Right-of-way** on the Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M.&E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way.
93. No. 09RZ003 - Second Reading, Ordinance 5477, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by TA request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Tract C of the SE1/4 SW1/4 of Section 4 and Parcel E of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, the portion of Lot E of the NE1/4 NW1/4 lying north of the highway right-of-way for access to Interstate Highway No. 90 Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3030 and 3086 East Highway 44.
94. No. 09VR001 - A request by Dream Design International, Inc. for a **Vacation of Right-of-way** on the east 180 feet of the 20 foot alley in Block 11 of Plainview Second Addition, lying between Sunnyside Avenue and Anamosa Street and west of the west boundary of Riley Avenue, the entire 20 foot alley in Block 12 of Plainview Second Addition lying between Sunnyside Avenue and the railroad right-of-way and east of the east boundary of Riley Avenue, North Riley Avenue 80 foot right-of-way lying north of East Anamosa Street, Cambell Street right-of-way lying north of the railroad right-of-way, Sunnyside Avenue 80 foot right-of-way east of the east boundary of Riley Avenue and west of the west boundary of Cambell Street, all located in Plainview Second Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of North Riley Avenue and East Anamosa Street.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by LaCroix, seconded and carried to close the public hearing on Items 83 – 99.

CONSENT PUBLIC HEARING ITEMS – Item 96 – 99

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

98. Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-sale) Wine, no video lottery
99. Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-off sale) Malt Beverage, no video lottery

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

Alcohol Licenses

96. Rapid City Fine Arts Center, Inc. for a special Beer and Wine License for an event scheduled February 20, 2009 at Dahl Arts Center, 713 Seventh Street

97. Central Baseball Association for a special Beer License for an event scheduled on February 28, 2009 at 109th Engineering Group Armory, Range Road

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Kooiker and seconded to continue Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-sale) Wine and Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-off sale) Malt Beverage, no video lottery to the March 2, 2009 City Council meeting. It was indicated that surety had not been posted for the parking lot corrections. Responding to a question from Weifenbach, Elkins explained that they must post the surety for the parking lot violations and said they are required to demonstrate they are in compliance with requirements. She said the code requires that the parking lot is paved and currently it is compressed millings. Motion carried.

NON-CONSENT PUBLIC HEARING ITEMS – Items 100 – 102

Motion was made by Kroeger and seconded to approve the Public Hearing for Drinking Water SRF loan for Water Treatment Plant Upgrades - Membrane Prepurchase, Project No.: W07-1689, CIP No. 50696.

Motion was made, seconded and carried to open the public hearing on Item 100, the Public Hearing for Drinking Water SRF loan for Water Treatment Plant Upgrades - Membrane Prepurchase, Project No.: W07-1689, CIP No. 50696. Public Works Director Robert Ellis explained that this project is necessary to resume the use of the Jackson Springs Infiltration Gallery as a water source for the City of Rapid City. Historically, Jackson Springs has been the source for roughly 1/3 to 1/2 of the City's potable drinking water. Several studies were conducted to determine the best method to resume use of Jackson Springs. These studies evaluated each of the following alternatives: Conforming to the EPA's filtration avoidance criteria, Utilizing the existing Mountain View Water Treatment Plant, Renovating the existing Mountain View WTP, Building a new treatment facility at the existing Mountain View WTP site, Dividing treatment between the existing (or a new) Mountain View WTP and a new water treatment facility, Seven possible locations for a new water treatment facility, and membrane vs. conventional filtration technologies at these facilities. The project will consist of a new 8 million gallon per day water treatment plant at the existing Cleghorn School site and a new raw water intake and pump station near the existing Jackson Springs location. The new raw water pump station will replace the existing pump station and relocate it outside the 100-yr flood plain. The Jackson Springs project is expected to be funded using a \$6 million State Revolving Fund Loan and by \$35 million of water revenue bonds issued by the City. The SRF loan is expected to have a 3.25% interest rate and 20 year repayment term. The City has recently revised its water utility rate structure to include repayment of this proposed debt. Repayment of the SRF Loan is included in the meter fees and unit rate fees established by the new water utility rate structure. This SRF Loan will not result in an increase in water user rates beyond those recently established by the City of Rapid City. The average annual increase in user fees to cover ALL anticipated debt (not just SRF Loan), O&M costs and capital improvements is approximately 10% annually. No additional testimony was offered.

Motion was made, seconded and carried to close the public hearing on Item 100. Original motion to approve carried.

Motion was made by Kroeger and seconded to (No. 08CA037) Approve a request by TSP, Inc. for Black Hills Corporation for an **Amendment to the Adopted Comprehensive Plan to change the Future Land Use Plan from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of Tartan Court. Responding to a question from Weifenbach, Elkins clarified that the building

will be located on the northern end of the property and said that the utilities will need to be extended to the site from 5th Street. Motion carried.

RESOLUTION #2009-021

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 17th day of February, 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 Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 and lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court; 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 Comprehensive Plan be amended to change the land use designation from Planned Residential Development with 6.7 dwelling units per acre to Office Commercial District with a Planned Commercial Development on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 and lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard and east of Tartan Court as attached to the original hereof and that the Amendment be filed with the City Finance Office.

Dated this 17th day of February, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Kroeger and seconded to (No. 08PD064) Approve a request by Jay Schmierer for Mandalay Homes for a **Major Amendment to a Planned Residential Development** on Lot 13 of Block 2 of Red Rock Meadows Subdivision, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6446 Cog Hill Lane. Responding to a question from Kooiker, Elkins explained that this location was approved to have an 18 foot setback in front of the garage, but because of the angle of the street, the setback is just over 17 feet at one corner. The Planning Commission was concerned about large vehicles encroaching into the sidewalk. It was indicated that this appears to be an honest mistake, and the applicant has taken steps to avoid this happening in the future. Greg Erlandson, an attorney representing Mandalay Homes, stated that it was an honest mistake. Mandalay fired the subcontractor and said the construction cost to fix the situation would be about \$15,000.00. He respectfully asked that the Council approve this request. Motion carried.

Ordinance No. 5437 (No. 08RZ035) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by TSP, Inc. for Black Hills Corporation for a **Rezoning from General Agriculture District to Office Commercial District** on the SW1/4 of the SW1/4, and that part of the NW1/4 of the SW1/4 lying south of Highway Right-of-way, less Lot H1, all located in Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of Tartan Court having passed its first reading on October 20, 2008; motion was made by Kooiker and seconded that the title be read the second time and be approved in conjunction with the Comprehensive Plan Amendment to the Future Land Use Plan and the Initial Commercial Development Plan. No additional comments were offered. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5437 was declared duly passed upon its second reading.

Ordinance No. 5475 (No. 09RZ001) 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 General Commercial District** on Lot 2 of Tract A of Barnhart Subdivision, and the 150 foot wide East Highway 44 Right-of-way located south of Lot 2 of Tract A of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 East Highway 44 having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. No additional comments were offered. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5475 was declared duly passed upon its second reading.

Ordinance No. 5476 (No. 09RZ002) 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 General Commercial District** on Lot 3 of Barnhart Subdivision, and the 150 foot wide East Highway 44 right-of-way lying south of Lot 3 of Barnhart Subdivision, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2990 East Highway 44 having passed its first reading on February 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. No additional comments were offered. The following voted AYE: Kooiker, Kroeger, Costello, Hadcock, LaCroix, Martinson, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5476 was declared duly passed upon its second reading.

BILLS

The following bills have been audited. Motion was made by Chapman, seconded and carried to authorize the Finance Officer to issue warrants or treasurers check, drawn on the proper funds, in payment thereof.

Payroll Paid Ending 01-17-09, Paid 01-23-09	758.40
Payroll Paid Ending 01-17-09, Paid 01-23-09	348.08
Payroll Paid Ending 01-31-09, Paid 01-30-09	1,239,475.05
Payroll Paid Ending 01-31-09, Paid 02-06-09	922,484.02
Payroll Paid Ending 01-31-09, Paid 02-06-09	3,044.00
Pioneer Bank, Taxes Paid 01-30-09	298,364.97
Pioneer Bank, Taxes Paid 02-06-09	221,829.37
Pioneer Bank, Taxes Paid 02-06-09	215.67
SD Retirement System, Paid 02-04-09	374,867.14
SD Retirement System, Paid 02-04-09	363.98
SD Retirement System, Paid 01-30-09	45.00
First Administrators, claims paid 02-04-09	104,537.83
First Administrators, claims paid 02-11-09	121,323.21

CITY COUNCIL

FEBRUARY 17, 2009

Berkley Risk Administrators, January claims	23,505.36
US Bank, paid 01-30-09	175.00
Black Hills Electric Coop, paid 02-11-09	613.84
Black Hills Power and Light, paid 02-11-09	30,525.70
Montana Dakota Utilities Co, paid 02-11-09	33,516.45
West River Electric Association, paid 02-11-09	33,420.66
Computer Bill List	<u>4,425,043.73</u>
Subtotal	\$7,834,457.46
Payroll Paid Ending 01-31-09, Paid 02-06-09	2,931.66
Pioneer Bank, Taxes Paid 02-06-09	224.27
SD Retirement System, paid 02-04-09	322.74
City of Rapid City, postage	0.60
City of Rapid City, health insurance	962.50
Metropolitan Life Insurance, life insurance	<u>6.42</u>
Total	\$7,838,905.65

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by Chapman, seconded and carried to go into Executive Session at 11:16 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 11:45 P.M. with all members present.

STAFF DIRECTION

Motion was made by LaCroix, seconded and carried to authorize the Community Resources Director to extend an offer of employment to the candidate for the IT Analyst III Position at Grade 22 Step H.

Motion was made by LaCroix, seconded and carried to authorize the Chief of Police to extend an offer of employment to the candidate for the Forensic Chemist Position at Grade 22 Step H.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 11:47 P.M.

ATTEST:

Finance Office

(SEAL)

CITY OF RAPID CITY

Mayor