

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 16, 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, March 16, 2009 at 7:00 P.M.

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

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, Parks and Recreation Director Jerry Cole, Development Services Coordinator Bob Dominicak and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

The following item was added to the agenda:

- Update on utility rebates, Alderman Kooiker

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

APPROVE MINUTES

Motion was made by LaCroix and seconded to approve minutes for the February 26, 2009, March 4, 2009 and March 5, 2009 Special Council Meetings and March 2, 2009 Regular Council Meeting.

Substitute motion was made by Kooiker and seconded to approve the minutes for the February 26, 2009, March 4, 2009 and March 5, 2009 Special Council Meetings and continue approval of the minutes for the March 2, 2009 Regular Council Meeting to the April 6, 2009 City Council meeting and ask staff to bring a verbatim transcript of the presentation of the award to Jack van der Geest. Motion carried.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for March 2009 to LaVern Tech and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented a Certificate of Recognition to the following City employee acknowledging his years of dedicated service to the Rapid City community – Lieutenant David Walton, Rapid City Police Department – 30 years.

GENERAL PUBLIC COMMENT

Representatives from the Dahl Arts Center gave a presentation regarding their building program. They reported that the project was well managed, on-time and on-budget. It was also reported that the building is designed for many users and supports the community, economic development and business development. They have already had numerous companies and organizations use the building for different types of events.

NON-PUBLIC HEARING ITEMS -- Items 4 – 81

Motion was made by Weifenbach, seconded and carried to open the public comment for Items 4 – 81. Susan Nolan stated her support for including sexual orientation in the non-discrimination policy and said several other communities already protect this class of people. Claudia Weiland-Randall urged the Council to pass the resolution regarding sexual orientation, and she specifically asked that orientation and identity be added to the existing law. Dale Bartscher encouraged the Council to vote no on the resolution regarding discrimination. He said the resolution is unnecessary as everyone is already protected under the Constitution. Pam Murray stated that implementing the resolution would close loopholes and limit exposure for insurance purposes. Mary Jo Farrington stated her support for the discrimination resolution. She said discrimination claims have increased by 15% this fiscal year and added that inclusion of this resolution will provide more protection to Rapid City. Vivian Jenkins stated that homosexuality contributes to depression and suicide and encouraged the Council to accept the resolution. Marla Murphy stated that the policy is for the safety of employees, and she said there is no liability involved. She said that the Council needs to approve the resolution and said it is up to managers to make it happen. John Skulborstad spoke regarding applications for major amendments to a PRD and a PCR, and he said that in some cases the landowner is not required to sign the document. He would like an ordinance created to require the landowner's signature to protect the landowner.

Motion was made by Weifenbach and seconded to close the public comments for Items 4 – 81.

CONSENT ITEMS – Items 4 – 55

The following items were removed from the Consent Items:

14. Approve recommendation to refer St. Patrick Street and Mt. Rushmore Road ADA and Vehicle Traffic Safety to the MPO.
26. No. 09RD002 - Approve a request by City of Rapid City to consider an application for a **Resolution for Road Name Change from South Highway 79 to Cambell Street** on the South Dakota Highway 79 extending southerly along the Section line for 9,274.5 feet from the northwest corner of the SW1/4 NW1/4, Sections 8 7, 17 and 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the Section line for 9274.5 feet.
31. No. LF011409-05A - Resolution Regarding Discrimination.
32. Direct the City Attorney's Office to prepare a Resolution of Intent to Lease 80 acres on N. Elk Vale Road to Matt Kammerer.
43. Acknowledge the Discussion of Plant Closings in Rapid City.

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

Alcoholic Beverage License Applications Set for Hearing (April 6, 2009)

4. Dahl Arts Center for a Special Event Beer and Wine License for an event scheduled April 15, 2009 at the Art Museum at the Dahl, 713 7th Street
5. Dahl Arts Center for a Special Event Beer and Wine License for an event scheduled April 17, 2009 at the Art Museum at the Dahl, 713 7th Street

6. Dahl Arts Center for a Special Event Beer and Wine License for an event scheduled April 18, 2009 at the Art Museum at the Dahl, 713 7th Street
7. Wildlife Experiences, Inc. for a Special Event Wine License for an event scheduled April 18, 2009 at The Prairie Edge Gallery, 606 Main Street
8. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled April 14, 2009 at Highmark Federal Credit Union, 725 5th Street
9. Orris Enterprises, Inc. DBA Vino 100, 520 7th Street for a Retail (on-off sale) Wine License
10. Burnell Lutz DBA One Stop Shop and Laundry, 190 N. Maple for a Package (off-sale) Malt Beverage License
11. Fresh Start Convenience Stores, Inc. DBA Fresh Start Rapid Valley, 3887 E. Hwy. 44 for a Retail (on-off sale) Malt Beverage TRANSFER from VSADD Holdings, LLC DBA Ranch Mart, 3887 E. Hwy. 44
12. Arnolds, Inc DBA Buck N Gator, 4095 Sturgis Road for a Retail (on-sale) Liquor License TRANSFER from Harbry Enterprises, Inc. DBA Buck N Gator, 4095 Sturgis Road.

Public Works Committee Consent Items

13. Acknowledge the Report on the Effects of Septic Systems.
15. No. PW031009-2A – Approve Change Order No. 3 Final, for the Canyon Lake Maintenance Shop, to SECO Construction, Inc., Project No. GB08-1714, for a decrease of \$2,000.00.
16. No. PW031009-01 – Authorize Staff to Advertise for Bids for Sixth Street Water Main - Franklin Street to St. Charles Street, Project No. W08-1742 / CIP No. 50738. Estimated cost of project: \$68,680.00.
17. No. PW031009-02 – Authorize Staff to Advertise for Bids for Water Treatment Plant Upgrades – Jackson Springs Membrane Prepurchase, Project No. W07-1689 Membranes / CIP No. 50696. Estimated cost of project: \$3,300,000.00.
18. No. PW031009-03 – Authorize Mayor and Finance Officer to Sign Joint Funding Agreement between U.S. Dept of the Interior, U.S. Geological Survey and City of Rapid City for 2009 Water Resources Investigation to include the operation and maintenance of selected gaging stations, and for various hydrologic investigations including hydrogeologic data collection and analysis, numerical modeling, storm water monitoring and continuation of paleoflood investigation for Rapid Creek.
19. No. PW031009-04 – Authorize Mayor and Finance Officer to Sign Covenant Agreement between the City of Rapid City and Larry Titus Allowing an Exception to the Requirement that the Sewer Line from his Property at 1225 Kansas City Street not Cross Adjoining Property Lines.
20. No. PW031009-05 – Approve Request for Authorization to Seek Proposals for Consultant Services for 2009 (Citywide) Geotechnical, Construction Materials Testing and QA/QC Investigations Contract. Project No. PW09-1787 / CIP No. 50637, in the amount of \$25,000.00.
21. No. PW031009-06 – Approve Initial Resolution of Necessity setting time and place for hearing on April 6, 2009, at seven o'clock p.m., for South Street Sanitary Sewer Extension, Project No. SS08-1775 / CIP No. 50755.

RESOLUTION #2009-038
INITIAL RESOLUTION
FOR
SOUTH STREET SANITARY SEWER EXTENSION
PROJECT NO. SS08-1775 / CIP NO. 50755

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

1. This Council deems it necessary to construct approximately 190 feet of 8-inch sewer main to service the property, as outlined in the proposed Resolution of Necessity for South Street Sanitary Sewer, Project No. SS08-1775 / CIP No. 50755, which is on file with the Finance Officer. The estimated total cost of the project is \$62,500.00 of which \$17,808.00 would be assessed to the benefiting properties. The costs will be assessed to the affected property owners on an equal benefit basis for the sanitary sewer improvements.

2. This Council will meet at the City / School Administration Center in the City of Rapid City, South Dakota, on Monday the 6th day of April, 2009 at 7:00 P.M., for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

22. No. PW031009-07 – Approve Request for Authorization to Seek Proposals for Engineering Services for Haines Avenue Water Reservoir, Project No. W09-1792 / CIP No. 50754. Estimated design and total construction costs: \$1,750,000.
23. No. PW031009-08 – Approve Resolution Authorizing Submittal of a Consolidated Water Facility Construction Program (CWFCP) Grant Application.

RESOLUTION #2009-042
A RESOLUTION AUTHORIZING SUBMITTAL OF A CONSOLIDATED WATER FACILITY
CONSTRUCTION PROGRAM (CWFCP) GRANT APPLICATION

WHEREAS, the City of Rapid City has identified the need to construct the following facilities to ensure that adequate water resources and water treatment are maintained for the community. These facilities include: the construction of the Jackson Springs Water Treatment Plant (WTP), Raw Water Pumping Station (RWPS) at Jackson Springs and a new treatment facility at the existing Mt. View Sites; and,

WHEREAS, financial assistance will be necessary to enable the City of Rapid City to proceed with this project; and,

WHEREAS, the City of Rapid City has established water rates set at a sufficient level so as to be eligible for State funding as well as accommodate the currently proposed financing package,

including debt responsibility, establishing a reserve fund, operating costs and other related charges to the Project; and

WHEREAS, a requirement for applying for CWFCP grant is that the municipalities ensures that water rates will be set at a minimum of \$20 per 5000 gallons per user per month and the City of Rapid City rates currently exceed the minimum rate requirement; and,

NOW THEREFORE BE IT RESOLVED that the City of Rapid City duly authorizes the submission of the Consolidated Water Facility Construction Program Grant Program application; and,

BE IT FURTHER RESOLVED that the mayor be authorized to execute the Consolidated Water Facility Construction Program Grant Program application and be the authorized signatories for the City of Rapid City's Jackson Spring and Mt. View Water Treatment Plant Projects including all payment requires and other documents.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 24. No. PW031009-09 – Approve Purchase of 2009 One Ton, 4X4, Ford F350 Crew Cab Pickup from McKie Ford, Rapid City, from State Contract #15539, in the amount of \$27,058. Unit to replace Unit S079, 1993 Ford w/ 94,810 miles.
- 25. No. 09VE001 - Deny Without Prejudice at the Applicant's Request, a request by Rick and Rachell Beird to consider an application for a **Vacation of a portion of a utility and minor drainage easement** on Lot 18 Revised of Block 2 of Robbinsdale Addition No. 9, located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3622 Hemlock Street.
- 27. No. 09VE003 - Approve a request by FMG, Inc. for Mehlhaff Construction, Inc. to consider an application for a **Vacation of Utility and Minor Drainage Easement** on Lots 4 and 5 of Block 2 of I-90 Heartland Business Park located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Seger Drive and Rearden Court.

RESOLUTION #2009-037
RESOLUTION OF VACATION OF A UTILITY AND MINOR DRAINAGE EASEMENT

WHEREAS it appears that the utility and minor drainage easement on Lots 4 and 5 of Block 2 of I-90 Heartland Business Park located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Seger Drive and Rearden Court, is no longer needed; and

WHEREAS the owner(s) of the above-described property desire that said portion of the utility and minor drainage easement be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the portion of the utility and minor drainage easement heretofore described, as shown on Exhibit "A", attached hereto and incorporated herein, is not needed and is hereby vacated.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

28. No. 09TP003 – Approve Amendment No. 09-004 to the 2009-2013 Transportation Improvement Program.

Legal & Finance Committee Consent Items

29. No. LF031109-02 - Approve the Update on Attendees to National League of Cities Green Cities Conference.
30. Direct Staff to look at the Harmony Heights Lane area and refer the item to the CIP Committee for further discussion.
33. Direct the City Attorney to prepare a recommendation on Council members serving on boards within the City of Rapid City.
34. Set a Special Council meeting to address downtown parking ordinances on March 30, 2009 at 6:30 p.m.
35. No. LF031109-03 – Approve Travel Request for Michaela Schanz to Attend National Forensic Academy (Spring Session) in Knoxville, TN, May 9-July 19, 2009, in the Approximate Amount of \$3,392
36. No. LF031109-04 – Approve Travel Request for Keith Trojanowski to Attend Paramedic Training at Mountain Plains Health Consortium in Fort Meade, SD, November 2007 through February 2009 in the Amount of \$4,000.
37. No. LF031109-05 – Authorize Mayor and Finance Officer to Sign Medical Director Agreement with Dr. Kelly Manning.
38. No. LF031109-06 – Approve Travel Request for Rich Olsen and Pete Girtz to Attend ACE-Airport Certified Employee Operations Program and Workshop in Portland, OR, May 3-9, 2009, in the Approximate Amount of \$7,305.23.
39. No. 09TP004 – Approve the request to sign authorization to submit and sign application documents for the Highway Safety Task Grant for the Rapid City Pedestrian Safety Campaign in the amount of \$21,200.00.
40. No. LF031109-08 - Approve the Resolution Declaring Property Surplus.

RESOLUTION #2009-039
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:

GROWTH MANAGEMENT DEPARTMENT ITEMS

Four Drawer File Cabinet 25”Dx18”W, putty
 Five Drawer File Cabinet 28”Dx18”W, gray

Battery backups

APC Back-UPS Pro 650, S/N - FB9828674373
 APC Backup UPS LS 500, S/N - 3BO537X18822
 Belkin UPS 550VA, S/N - 20104834258W5

Make/Model	Serial Number	IT System	Inventory
Laptops			
Gateway Solo 2550	B2509482569	432	15637
Gateway Solo Pro 9300	BVA10320509	476	15726
Gateway Solo Pro 9300	BVA10320510	475	15725
Gateway Solo Pro 9300	BVA10320507	474	15724
Gateway Solo Pro 9300	BVA10320637	478	15728
Gateway Solo Pro 9300	BVA10320649	472	15722
Gateway Solo Pro 9300	BVA10320636	477	15727
Gateway Solo Pro 9300	BVA10320508	469	15719
Gateway Solo Pro 9300	BVA10320650	470	15720

Keyboard

Gateway Keyboard 90610775

Monitor

HP L1906 LCD Color CNN552125R

Mouse

Microsoft Wireless Optical with receiver

Dictaphone Voice Processor Model 2750, S/N 559136

Letter size wire basket

Black Metal paper tray

Desk paper sorter 8.5x11 – 2 tier, black plastic

Dropdown Keyboard with Mouse pad

Slide trays – 6 @ 140 count; 1 @ 80 count

2 shelf printer stand

TRANSPORTATION PLANNING ITEMS

Please declare the following items surplus. These items were purchased with federal transportation planning funds and the SD Department of Transportation’s authorization is attached.

In addition to these items being surplus, they should be items for the Annual City Auction.

1. 19” Gateway VX1120 Computer Monitor, Serial #101059743 - Salvage value – none

- 2. Gateway Solo 5300 Notebook Computer with docking station, Serial #0023996660 - Salvage value – none
- 3. Time Lapse Turning Movement Counter, Serial #58628 - Salvage value – none
- 4. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #3151 – Salvage value – none
- 5. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #5205 – Salvage value – none
- 6. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #5204 – Salvage value – none
- 7. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #5206 – Salvage value – none
- 8. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #5207 – Salvage value – none
- 9. TRAFICOMP 111, MODEL 241 4R Traffic Counter, Serial #3150 - Salvage value – none
- 10. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691292 - Salvage value – none
- 11. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691293 - Salvage value – none
- 12. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691294 - Salvage value – none
- 13. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691296 - Salvage value – none
- 14. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691297 - Salvage value – none
- 15. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691298 - Salvage value – none
- 16. TRAFICOMP EZ, MODEL 241 2R Traffic Counter, Serial #691299 - Salvage value – none
- 17. ARD1000 25, MODEL ARD1000 4R Traffic Counter, Serial #109880048 – Salvage value – none
- 18. JR Traffic Counter, Serial #J002337 – Salvage value – none
- 19. JR Traffic Counter, Serial #J002336 – Salvage value – none

MRF

1996 Stationary compactor SP Industries Model 6002D S/N: 96054852, Inv # 01837

Water Department

1999 Ford F250 ¾ ton pickup S/N: 1FTRF27W1XKB84908, Inv #004429, mileage 113,7700

2001 Dodge ¾ ton 4x4 pickup S/N: 3B7KF26Z41M267472, Inv #004601, mileage 119,509

1990 International dump truck S/N: 1HTSHBROLH206657, Inv #001640, mileage 117,525

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 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 41. Acknowledge the Following Volunteers for Workmen’s Compensation Purposes: Bryan Ebner, Lindsey Evans, Kate Simmons, Bonnie Stephens.
- 42. No. LF031109-24 - Approve the Resolution Approving and Authorizing the Execution of a Governmental Lease-Purchase Agreement and Supplements thereto and Related Documents and Certificates for the 2009 Ambulances.

RESOLUTION 2009-035
RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A GOVERNMENTAL
LEASE-PURCHASE AGREEMENT AND SUPPLEMENTS THERETO AND RELATED
DOCUMENTS AND CERTIFICATES FOR THE 2009 AMBULANCES

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

1.) The Governmental Lease-Purchase Agreement (the "Agreement" or the "Lease") and the Supplement or Supplements thereto and the Escrow Agreement, if any, are hereby approved substantially in the form presented to this Common Council and on file in the office of the Finance Officer.

2.) The Mayor or Council President of the City is hereby authorized to execute the Agreement and any Supplement or Supplements thereto on behalf of the City, and to execute such other certificates and documents as may be necessary and appropriate to effectuate the transactions contemplated by the Agreement and said Supplement or Supplements. The Agreement, the Supplement or Supplements and the related documents may contain such necessary and appropriate variations, omissions and insertions as the Mayor or Council President shall determine to be necessary, and the execution thereof by the Mayor or Council President shall be conclusive evidence of such determination and its approval by the Council.

3.) Lessee reasonably anticipates that it will issue tax-exempt obligations (not including "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986, as amended) in an aggregate amount in excess of \$30 million during the calendar year in which the Lease commences. The lease is not designated as a qualified tax-exempt obligation for purposes of Section 265(b)(c) of the Internal Revenue Code of 1986, as amended, relating to deductibility of interest by financial institutions.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 44. No. LF031109-09 – Authorize Mayor and Finance Officer to Sign Agreement with Network Consulting Services.
- 45. No. LF031109-10 – Approve Travel Request for Angela Tallon to Attend ESRI Users Conference in San Diego, CA, July 12-18, 2009, in the Approximate Amount of \$1,785.
- 46. No. LF031109-11 - Authorize Mayor and Finance Officer to Sign a Local Governing Body Approval Letter for Teton Coalition Inc., for the Construction of 6 Homes for Low-Income Families.
- 47. No. LF031109-12 - Authorize Mayor and Finance Officer to Sign the Local Governing Body Approval Form for Cornerstone Rescue Mission Application to South Dakota Housing Development Authority for Emergency Shelter Grant Funds.
- 48. No. LF031109-13 - Authorize Mayor and Finance Officer to Sign the Local Governing Body Approval Form for Cornerstone Women & Children’s Home Application to South Dakota Housing Development Authority for Emergency Grant Funds.
- 49. No. LF031109-14 - Authorize Mayor and Finance Officer to Sign the Local Governing Body Approval Form for Working Against Violence, Inc (WAVI), Application to South Dakota Housing Development Authority for Emergency Shelter Grant Funds.

- 50. No. LF031109-15 – Authorize Mayor and Finance Officer to Sign Professional Service Agreement with B.F. Variety Store, Inc. dba Matt Kimball's Golf Shop.
- 51. No. LF022509-22 - Authorize Mayor and Finance Officer to Sign Memorandum of Understanding with AFSCME.
- 52. No. LF031109-17 – Approve Resolution Supporting the International Association of Firefighter’s Local 1040 Fill the Boot Fundraising Event.

RESOLUTION #2009-040

WHEREAS, the International Association of Fire Fighters (IAFF) Local 1040 is conducting its annual Fill the Boot fundraising event to benefit the Muscular Dystrophy Association; and

WHEREAS, the IAFF’s 2008 Fill the Boot fundraising event raised over \$42,000, which greatly exceeded the goal set by the IAFF and outpaced fundraising by larger units in the region; and

WHEREAS, the Muscular Dystrophy Association is a worthy cause, dedicated to curing neuromuscular diseases that afflict over one million Americans; and

WHEREAS, the City of Rapid City recognizes that neuromuscular disease can have significant adverse impacts on individual citizens, families and the City as a whole; and

WHEREAS, the IAFF has demonstrated success in rallying the support of citizens of Rapid City and the surrounding area to aid the Muscular Dystrophy Association’s mission.

NOW THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City supports the IAFF and the firefighters of the Rapid City Fire Department in their current efforts and their future endeavors to support the Muscular Dystrophy Association.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 53. No. LF031109-18 – Approve Raffle Request from Rushmore Chapter of Abate.
- 54. No. LF031109-19 – Approve Raffle Request from Timberline Little League.
- 55. No. LF031109-20 – Approve Raffle Request from Youth & Family Services.

END OF CONSENT CALENDAR

Motion was made by Kroeger and seconded to approve the Recommendation to refer St. Patrick Street and Mt. Rushmore Road ADA and Vehicle Traffic Safety to the MPO. Kooiker pointed out that the state has agreed to remove the steps in the northwest corner and that the corner has become very busy with the new businesses there. Responding to a question from Kooiker, Ellis stated that the Department of Transportation has jurisdiction on the intersection and the year 2014 is the soonest improvements can be

made. It was discussed that the issue would be taken to the MPO to have the Executive Policy Committee come forward with a recommendation to move the project forward sooner. Motion carried.

Motion was made by Kroeger and seconded to continue to the April 6, 2009 City Council meeting (No. 09RD002) a request by City of Rapid City to consider an application for a **Resolution for Road Name Change from South Highway 79 to Cambell Street** on the South Dakota Highway 79 extending southerly along the Section line for 9,274.5 feet from the northwest corner of the SW1/4 NW1/4, Sections 8 7, 17 and 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along the Section line for 9274.5 feet. Motion carried.

Motion was made by Martinson and seconded to approve a Resolution Regarding Discrimination. Martinson explained that she supports the resolution as the City has a responsibility to provide a safe workplace for employees. Weifenbach asked the Mayor for his opinion, but the Mayor pointed out that he does not typically weigh in during the debate, as the discussion should remain with the Council. Weifenbach explained that his task is to be fair to everyone. Responding to a question from Weifenbach, Green stated that any employee who feels they have been treated unfairly for any reason could file a grievance. He pointed out that the Council has a code of conduct that says the City of Rapid City expects each employee to undertake their duties in a fair and impartial manner refraining at all times from discrimination. Green also stated that the code of conduct applies to all City employees and added that each union contract and non-union employees have a grievance process. He recommended that the Council does not pass this resolution. Responding to additional questions, Green said that generally we follow federal law, but if the resolution were approved, we would be doing more than what is required by state and federal law. He also stated that the insurance company declined to provide an estimate of what impact this change in policy might have, but they encouraged the City not to adopt this resolution.

Substitute motion was made by Weifenbach and seconded to not approve the Resolution Regarding Discrimination. LaCroix stated that he does not support the resolution but said he previously encouraged Martinson to educate others. He said she did a great job but does not support the resolution, as he believes it creates a special class of people. He added that in recent years citizens have become more accepting of and comfortable with different sexual orientations in the community and workplace. Olson said she believes the City's employee practices are fair and said it is important to listen to the advice of the City Attorney.

Second substitute motion was made by Olson and seconded to direct the City Attorney to draft a resolution expressing the City support for adding sexual orientation and gender identity to the classification protected by federal law from discrimination in employment and to encourage SD congressional delegation to support the necessary amendments. Martinson supports the idea but prefers the resolution is passed on a City level. Kooiker clarified that the motion would draft a resolution that would come forward for further consideration. Upon roll call vote, the following voted AYE: Olson, Costello, Lacroix, Martinson; NO: Kooiker, Kroeger and Weifenbach. Motion carried.

Motion was made by Kooiker and seconded to Direct the City Attorney's Office to prepare a Resolution of Intent to Lease 80 acres on N. Elk Vale Road to Matt Kammerer. Green clarified that the intent is not to lease the entire 80 acres but is for the limited purpose of conducting a haying operation. Ellis explained that Mr. Kammerer currently hays the property that was recently deeded to the City, and he is interested in continuing to hay the property until the soccer fields are constructed. Before the Council can enter into a lease agreement, the Resolution of Intent must be completed. Motion carried.

Motion was made by Kooiker and seconded to Acknowledge the Discussion of Plant Closings in Rapid City. LaCroix stated that he is employed at one of the companies that have decided to close. He commended the employees for their years of service and said that it is important to thank the employees for their hard work rather than asking them what they are going to do next. Weifenbach stated his support and concern for these employees as well. Motion carried.

NON-CONSENT ITEMS – Items 56 - 81***Ordinances***

Ordinance 5489 (No. LF031109-16) An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code. Motion was made by Kooiker, seconded and carried that Ordinance 5489 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 6, 2009. Responding to a question from Costello, the Mayor explained that this ordinance would identify the wards and precincts for the newly annexed areas of the City.

Ordinance 5494 (No. 09RZ013) 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** of Lot 1 of Lot D of the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of South Valley Drive and south of S.D. Highway 44. Motion was made by Kooiker, seconded and carried that Ordinance 5494 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 6, 2009.

Ordinance 5495 (No. 09RZ014) 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** of Tract 1 of the SW1/4 SW1/4, Tract B of the SE1/4 SW1/4 including the 20 foot wide private lane, and Tract E and Private Drive of KOA Subdivision in the SE1/4 SW1/4, all located in Section 4, T1N, R8E, Pennington County, South Dakota, and Tract A of SE1/4 SW1/4 of Section 4 and the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3010 East Highway 44 and 2001 Lancer Drive. Motion was made by Kooiker, seconded and carried that Ordinance 5495 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 6, 2009.

Ordinance 5469 (No. 09RZ015) 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 Low Density Residential District** of Lot A of the NW1/4 SW1/4 and the 33 foot wide Valley Drive right-of-way lying west of Lot A of the NW1/4 SW1/4 all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1550 Valley Drive. Motion was made by Kooiker, seconded and carried that Ordinance 5469 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 6, 2009.

Ordinance 5497 (No. 09RZ016) 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 Public District** of the 100 foot wide railroad right-of-way lying north of Lot D of the SW1/4 SW1/4 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of South Valley Drive and south of S.D. Highway 44. Motion was made by Kooiker, seconded and carried that Ordinance 5497 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 6, 2009.

Ordinance 5487 (No. LF022509-20) An Ordinance to Repeal the Requirement for a Precious Metals and Precious Gems License by Repealing Chapter 5.40 of the Rapid City Municipal Code having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson, and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5487 was declared duly passed upon its second reading.

Ordinance 5488 (No. LF022509-21) An Ordinance to Correct the Numbering of Certain Sections of the Rapid City Municipal Code by Re-Enacting Chapter 3.26 of the Rapid City Municipal Code and Creating Chapter 3.28 of the Rapid City Municipal Code having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson, and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5488 was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Kooiker and seconded to continue Items 63 – 72 to the April 6, 2009 Council meeting. Motion carried.

63. 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.
64. 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.
65. 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.
66. 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.

67. 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.
68. 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.
69. 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.
70. No. 09PL003 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Homestead Street and Elk Vale Road.
71. No. 09PL004 - A request by D.C. Scott Co. Land Surveyors for Herbert Jones for a **Preliminary Plat** on Lots 11AR of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 5581 Corbin Drive.
72. No. 09PL005 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 5 of Block 2 of Rushmore Crossing, Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Eglin Street east of Luna Avenue and west of East North Street.

Legal & Finance Committee Items

Motion was made and seconded to (No. LF031109-07) Request the Planning Commission to review possible ordinance amendments requiring landowner signatures on applications. Responding to a

question from Weifenbach, Green explained that after research there is no authority that requires the landowner signature on applications; however, the Growth Management Department has a practice of requiring this signature internally. Green said that changing the practice is worthy of discussion but cannot make a recommendation at this time. Olson stated her support of the motion, as it will bring clarity to the issue. Kooiker wanted to acknowledge that he is abstaining from the item. Mayor Hanks stated his concern for the item in its current form and said it would be important to consider requiring landowner signatures as well as any lessees with property rights. Motion carried with one NO from Weifenbach and with Alderman Kooiker abstaining.

Motion was made by Kooiker and seconded to (No. LF031109-23) Request Council leadership to set a date for a 2012 soccer meeting. Responding to a question from Kroeger, Mayor Hanks confirmed that this would set a meeting for the Council sitting as the 2012 committee. Olson clarified that this meeting will only address soccer, and Weifenbach explained that the reason for the meeting is to clarify the requirements of the soccer community. They want to know what is expected from them to start drawing funds. Motion carried.

Motion was made by Kooiker and seconded to acknowledge the Update on Virginia Graeme Baker Pool and Spa Safety Act "Swimming Pool Drains". Parks and Recreation Director Jerry Cole gave a presentation on the safety act and explained that every pool and spa needs to be inspected. This will protect people from entrapment in drains and will reduce child-drowning incidents. He stated that the City pools must be inspected before they open in June. Professional engineers must certify drains, but they are reluctant to do that because of the ambiguity of the law. If Rapid City needs to change all 24 drain covers, the cost would be about \$100,000 to \$150,000. However, the company that built the swim center has hired a Professional Engineer for certifications, so Cole is hoping to have that person certify the City's covers, which will save the City about \$60,000. Responding to a question from Olson, Cole said that they have discussed the issue with legislators. Weifenbach brought up the possibility of qualifying a City employee to certify the covers. Green stated that, although the training is possible, it comes down to professional judgment of the engineer, and they might not get the result they want. Motion carried.

Motion was made by Kroeger and seconded to (No. LF031109-21) Approve Property Tax Abatement for Doyle Estes and Kathryn Johnson for 2008 in the Amount of \$171.52. LaCroix wanted to acknowledge that he is abstaining from the item. Kooiker asked why abatement would be done if the property is generating income. He said that if income went to the former owner then that person should have to pay property taxes.

Substitute motion was made by Kooiker and seconded to continue the item until the April 6, 2009 City Council meeting. Motion carried with LaCroix abstaining.

Public Works Committee Items

Motion was made by Kroeger and seconded to (No. PW031009-10) approve the recommendation for no change to the Proposed Options for Secondary Access Requirements for Commercial Uses. Motion carried.

Motion was made by Kroeger and seconded to (No. 09EX023) continue to the April 6, 2009 City Council meeting Waiving the Requirement to Install Sidewalks along Elk Vale Road (adjacent to the former site of All Decked Out), with requirement that prior to Council approval, waiver of right to protest assessment has been submitted. Elkins explained that it was recommended by committee that the sidewalk exception be granted with the condition that prior to Council approval the Waiver of Right to Protest is signed. Typically, the waiver of right to protest is signed before Council approval. Weifenbach stated his concern for moving this issue forward without any assurance that there will be a sidewalk in that area. Motion carried with one NO from Weifenbach.

Bids

The following companies submitted bids for (No. CC031609-02.1) Six (6) 2009 Chevy Impalas opened on March 10, 2009: Rapid Chevrolet Cadillac and Billion Auto. Staff reviewed the bids and recommends the bid award to Rapid Chevrolet Cadillac. Motion was made, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Rapid Chevrolet Cadillac, for a total contract amount of \$139,740.00.

The following companies submitted bids for (No. CC0031609-02.2) 2009 Roadway Painting Project PM09-1780 / CIP No. 50594 opened on March 10, 2009: Bestway Traffic, Inc. and Traffic Services Company. Staff reviewed the bids and recommends the bid award to Traffic Services Company. Motion was made, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Traffic Services Company, for a total contract amount of \$69,799.99.

The following companies submitted bids for (No. CC0031609-02.3) Miscellaneous Improvements Project 2009, Sidewalk, ADA Access, Curb & Gutter and Other Improvements to Street Sections in Rapid City, Project No. MIP09-1774 opened on March 10, 2009: Lester-Robbins Construction, Inc., KRM Concrete, LLC, S&S Concrete, Simon Contractors of SD, Inc., Tru-Form Construction, Inc., Complete Concrete, Inc. and Stanley J. Johnsen Concrete Contractor, Inc. Motion was made, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, KRM Concrete, LLC, in the amount of \$30,158.63.

Council Items & Liaison Reports

Alderman Kooiker mentioned that there has been confusion on the effective date of the ordinance that allows rebates for water utility items. He asked what the impact would be of making the rebates effective March 3, 2009, and Ellis said there would not be a large impact if the effective date were changed. Green stated that the Ordinance is not effective as a matter of law until March 27, 2009, and the Council does not have the legal authority to use the rebate program before the Ordinance is effective. Responding to a question from Mayor Hanks, Green agreed to look into the Ordinance to find out if it specifically states a receipt date for the purchase.

Motion was made by Kooiker and seconded to add the topic to the April 1, 2009 Legal and Finance Committee meeting for a report from the City Attorney. Motion carried.

PUBLIC HEARING ITEMS – Items 82 – 97

Motion was made by Kroeger, seconded and carried to open the public comment for Items 82 – 97.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 82 - 86

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

Continue the following items until April 6, 2009:

82. 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.

83. 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.
84. 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.
85. No. 09SV002 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Homestead Street and Elk Vale Road.
86. No. 09SV004 - A request by D.C. Scott Co. Land Surveyors for Herbert Jones for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit and additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 11AR of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 5581 Corbin Drive.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Weifenbach and seconded to close the public comment for Items 82 – 97.

CONSENT PUBLIC HEARING ITEMS – Items 87 – 91

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

Growth Management Items

- 87. No. 09CA003 – Approve a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** of the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of S.D. East Highway 44 and west of Lancer Drive.

RESOLUTION #2009-036
 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 5th day of March, 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 General Commercial to Public on the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of South Dakota East Highway 44 and west of Lancer Drive; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Public on the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of South Dakota East Highway 44 and west of Lancer Drive, as attached to the original hereof be filed with the City Finance Office.

Dated this 16th day of March, 2009

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

88. No. 09FV001 - Approve an Exception Request by Randy Lyons for Rapid City Parks & Recreation for a **A Fence Height Exception to allow a twelve foot high fence in lieu of a maximum six foot high fence in the Low Density Residential District** on City Springs Park in the unplatted portion of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 514 City Springs Road.

Alcohol Licenses

89. Catholic Social Services for a Special Event Beer and Wine License for an event scheduled June 4, 2009 at Prairie Edge Trading Co. and Galleries, 6th Street and Main Street
90. Sodak Mex I, Inc. DBA On The Border, 1331 E. North Street, for a Retail (on-sale) Liquor License TRANSFER from Century Motels, Inc. DBA Howard Johnson, 950 North Street
91. Ugly, Inc. DBA Budd Ugly's, 321 7th Street, for a Retail (on-sale) Liquor License TRANSFER from Phatty McGees, Inc. DBA Phatty McGees, 321 7th Street

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 92 -97

Ordinance 5490 (No. 09RZ009) 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 Low Density Residential District** of the SE1/4 of Government Lot 1 less the north 100 feet of the SE1/4 of Government Lot 1, Lot A of Lutheran Subdivision, and the 33 feet of Valley Drive right-of-way adjacent to Lot A of Lutheran Subdivision, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 501 and 583 Valley Drive having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson, and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5490 was declared duly passed upon its second reading.

Ordinance 5491 (No. 09RZ010) 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 Agriculture District** of the NE1/4 of Government Lot 1 located in the NE1/4 NE1/4 NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 405 Valley Drive having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5491 was declared duly passed upon its second reading.

Ordinance 5492 (No. 09RZ011) 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** of the 20 foot wide private lane located adjacent and west of the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and located adjacent to and west of 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, located at 3030 East Highway 44 having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson and Weifenbach; NO: None; where upon the Mayor declared the motion passed and Ordinance 5492 was declared duly passed upon its second reading.

Ordinance 5493 (No. 09RZ012) 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 Public District** of the unplatted balance of the W1/2 SE1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of S.D. East Highway 44 and west of Lancer Drive having passed its first reading on March 2, 2009; motion was made by Kooiker and seconded that the title be read the second time and be approved in conjunction with the associated Comprehensive Plan Amendment. The following voted AYE: Kooiker, Olson, Kroeger, Costello, LaCroix, Martinson and Weifenbach; NO: None; where upon the Mayor declared the motion passed and Ordinance 5493 was declared duly passed upon its second reading. Responding to a question from Olson, Elkins clarified that this Ordinance will help protect water quality.

Motion was made by Kooiker and seconded to (No. 09SV003) approve 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, pavement, sidewalk, street light conduit, water and sewer** and deny without prejudice a request by Renner & Associates for Pete Lien and Sons for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 59 feet to 40 feet on the existing access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, located at the Black Hills Dog Track northwest of the intersection of Universal Drive and Sturgis. Motion carried.

Motion was made by Kooiker and seconded to (No. 09SV005) approve a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer and to reduce the width of the access easement from 59 feet to 26 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 5 of Block 2 of Rushmore Crossing, Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Eglin Street east of Luna Avenue and west of East North Street with the following stipulation: an east-west and a north-south pedestrian walkway shall be provided as proposed. In addition, lighting shall be provided throughout the parking lot and utilities shall be extended as needed to serve in the proposed lots as part of the Planned Commercial Development Plan. Motion carried.

BILLS

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

Payroll Period Ending 2-28-2009, Paid 3-6-2009	875,631.09
Payroll Period Ending 2-28-2009, Paid 3-6-2009	3,592.81
Pioneer Bank, Taxes Paid 3-6-2009	211,025.14
Pioneer Bank, Taxes Paid 3-6-2009	254.18
First Administrators, Claims Paid 3-3-2009	163,452.20
First Administrators, Claims Paid 3-11-2009	291,463.86
US Bank, Paid 3-2-2009	8,114.80
Berkley Risk Administrators, February Claims	89,037.05
Computer Bill List	3,403,753.74
Subtotal	5,046,324.87
Payroll Period Ending 2-14-2009, paid 2-20-2009	2,866.49
Pioneer Bank, Taxes Paid 3-6-2009	219.28

CITY COUNCIL

MARCH 16, 2009

City of Rapid City, Postage	208.79
City of Rapid City, Health Insurance	962.50
Ikon Financial, January and February Maintenance	11.66
Metropolitan Life Insurance, March	6.42
Verlynnne Prince, Mileage Reimbursement	10.32
Angie Weeks, Mileage Reimbursement	59.28
Wright Express	116.53
Total	5,050,786.14

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by Weifenbach, seconded and carried to go into Executive Session at 9:25 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 9:34 P.M. with all members present.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 9:35 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Office

Mayor

(SEAL)