

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

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

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

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

**ADOPTION OF AGENDA**

The following items were added to the agenda:

- Authorize the Mayor and Finance Officer to sign a letter of engagement with Nooney, Solay and Vannorman
- Request for travel for one Council member and one City staff to the National League of Cities Bank on Cities Campaign, Alderman Chapman
- Thank you to volunteers and staff who helped with Christmas lights, Alderman Hadcock

Alderman Costello requested to move items 191 and 192 up on the agenda. Chapman stated that he is not in favor, and it was also indicated the recommendation is to continue the two items. Olson and LaCroix both expressed that they are also not in favor.

Motion was made by Waugh, second by LaCroix, to adopt the agenda as amended.

Substitute motion was made by Costello, second by Weifenbach, to move items 191 and 192 to follow item 137. Upon roll call vote, the following voted AYE: Weifenbach, Hadcock, Martinson, Kooiker and Costello; NO: Olson, Waugh, LaCroix and Chapman. Motion carried.

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

**APPROVE MINUTES**

Motion was made by Weifenbach, second by LaCroix and carried to approve the minutes for November 2, 2009.

**AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran of the Month for November 2009 to Christopher R. Brockel and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented a Certificate of Recognition to Amy Graves, an employee of the City Attorney's Office, acknowledging her 20 years of dedicated service to the Rapid City community.

Jerry Cole, Parks and Recreation Director, presented the following awards: Kristy Lintz for the Young Professional Honoree, Wes Storm for the 2009 Individual Citation Award and Van Lindquist for his induction into the State of South Dakota Parks and Recreation Hall of Fame.

**NON-PUBLIC HEARING ITEMS** -- Items 3 – 148

Motion was made by LaCroix, second by Weifenbach and carried to open the public comment for items 3 – 131. Jack White expressed his concern with the drainage and standing water in the Homestead Subdivision area. He wanted to know what items are remaining to be completed in the area, and he also said the curb and gutter are too high on Ziebach Street. He requested to be added to the complaint regarding the roads at Big Sky as their roads are in poor condition as well.

Motion was made by LaCroix, second by Hadcock and carried to close the public comment for items 3 – 131.

**CONSENT ITEMS** – Items 3 – 123

The following items were removed from the Consent Items:

- 89. No. PW111009-14 – Set April 1, 2010, as the deadline for the improvements to be completed on the Homestead Subdivision drainage.
- 106. Acknowledge receipt of petition to create Downtown Business Improvement District.

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

***Alcoholic Beverage License Applications Set for Hearing (December 7, 2009)***

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

- 3. Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave., for a Retail (on-off sale) Wine License
- 4. Uncork'd Wine and Tapas Bar LLC, 5734 Sheridan Lake Rd. #207, for a Retail (on-off sale) Wine License
- 5. Bully Blends Coffee and Tea Inc DBA Bully Blends Coffee and Tea, 410 5<sup>th</sup> Street, for a Retail (on-off sale) Wine License
- 6. Linda and Frank Morrison DBA Thirstys, 819 Main Street, for a Retail (on-off sale) Wine License
- 7. Leading Edge Management LLC DBA Buffalo Wings and Rings, 5622 Sheridan Lake Rd, for a Retail (on-off sale) Wine License
- 8. TADY LLC DBA Sports Buzz Family Food N Fun, 2102 Mt. Rushmore Rd., for a Retail (on-off sale) Wine License
- 9. Piesano's Pacchia Inc DBA Piesano's Pacchia, 3618 Canyon Lake Dr. #33, for a Retail (on-off sale) Wine License
- 10. Chrisbro LLC DBA Hampton Inn, 1720 Rapp Street, for a Retail (on-off sale) Wine License

11. Rhonda Berger and Jim Berger DBA Ichiban, 1109 W. Omaha St. Ste. A, for a Retail (on-off sale) Wine License
12. Late Harvest Inc. DBA Tally's Silver Spoon, 520 6<sup>th</sup> Street, for a Retail (on-off sale) Wine License
13. Mae Jean Adams DBA The Corn Exchange, 727 Main Street, for a Retail (on-off sale) Wine License
14. Barbecsul Inc DBA Sandtrap Grill and Bar, 3625 Jackson Blvd, for a Retail (on-off sale) Wine License
15. Central States Fair Inc. DBA Central State Fair, 800 San Francisco St., for a Retail (on-off sale) Wine License
16. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Hwy. 16 #G, for a Retail (on-off sale) Wine License
17. Khoury's Mediterranean Cuisine Inc. DBA Khoury's Mediterranean Cuisine, 1109 W Omaha St. Ste. D, for a Retail (on-off sale) Wine License
18. Rapid City Arts Council Inc. DBA Dahl Arts Center, 713 7<sup>th</sup> Street, for a Retail (on-off sale) Wine License
19. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6<sup>th</sup> Street, for a Retail (on-off sale) Wine License
20. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Wine License
21. WR Rapid City Ventures DBA Oakleaf Beer Garden, 2213 LaCrosse St., for a Retail (on-off sale) Wine License
22. Museum Alliance of Rapid City Inc. DBA The Journey Museum, 222 New York Street, for a Retail (on-off sale) Wine License
23. Century Motels Inc. DBA Howard Johnson Express Inn and Suites, 950 North Street, for a Retail (on-off sale) Wine License
24. Mai T. Goodsell DBA Saigon Restaurant, 221 E North Street, for a Retail (on-off sale) Wine License

Retail (on-sale) Liquor License Renewals

25. Fraternal Order of Eagles DBA Rapid City Aerie No. 3555, 1410 Centre Street, for a Retail (on-sale) Liquor License
26. Blue Lantern Lounge Inc. DBA Blue Lantern Lounge, 1200 E St. Patrick Street, for a Retail (on-sale) Liquor License
27. Hungrys Restaurants Inc. DBA Marlins Roadhouse Grill, 2803 Deadwood Ave., for a Retail (on-sale) Liquor License
28. City of Rapid City DBA Airport Restaurant and Lounge, 4550 Terminal Rd. #206, for a Retail (on-sale) Liquor License

29. Heinsel Investments LLC DBA Comfort Suites, 1333 N Elk Vale Rd., for a Retail (on-sale) Liquor License
30. Entertainment Inc. DBA Robbinsdale Lounge, 803 E. St. Patrick Street, for a Retail (on-sale) Liquor License
31. ERJ Dining IV LLC DBA Chili's Grill and Bar, 2125 N Haines Ave., for a Retail (on-sale) Liquor License
32. Kelly's Sports Lounge Inc. DBA Kelly's Sports Lounge, 825 Jackson Blvd., for a Retail (on-sale) Liquor License
33. LaCroix Investments Inc. DBA Time Out Lounge, 615 E. North Street, for a Retail (on-sale) Liquor License
34. Beshara Enterprises Inc. DBA The Pirates Table, 3550 Sturgis Rd. for a Retail (on-sale) Liquor License
35. MG Oil Company DBA Clock Tower Lounge, 2525 W. Main Street, for a Retail (on-sale) Liquor License
36. Viper LLC DBA Quality Inn/Reunion Lounge, 1902 N LaCrosse Street, for a Retail (on-sale) Liquor License
37. Karen J Schumacher DBA Brass Rail Lounge, 624 St. Joe Street, for a Retail (on-sale) Liquor License
38. AJ Inc DBA Shotgun Willies, 2808 W Main Street, for a Retail (on-sale) Liquor License
39. Sioux Restaurants Inc. DBA TGI Fridays, 2205 N. LaCrosse Street, for a Retail (on-sale) Liquor License
40. TADY LLC DBA Teddy's Sports Grill, 826 Main Street, for a Retail (on-sale) Liquor License
41. Fresch Inc DBA Joes Place, 4302 S Hwy 79, for a Retail (on-sale) Liquor License
42. Sodak Mex I Inc. DBA On The Border, 1331 E North Street, for a Retail (on-sale) Liquor License
43. Michael O Wieseler DBA Horseshoe Bar, 1407 ½ E North Street, for a Retail (on-sale) Liquor License
44. Arnolds Inc DBA Buck-N-Gator, 4095 Sturgis Rd., for a Retail (on-sale) Liquor License
45. Derby Advertising Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane, for a Retail (on-sale) Liquor License
46. Western Dakota Gaming Inc. DBA Valley Sports Bar, 1865 S Valley Drive, for a Retail (on-sale) Liquor License
47. American Legion, 818 E St Patrick St., for a Retail (on-sale) Liquor License
48. Ugly Inc. DBA Budd Ugly's, 321 7<sup>th</sup> Street, for a Retail (on-sale) Liquor License

49. Dealer Exchange Inc. DBA Kaktus Kim's, Rushmore Mall Space 478, for a Retail (on-sale) Liquor License
50. Fox Family Enterprises Inc. DBA Rodeway Inn, 2208 Rushmore Rd., for a Retail (on-sale) Liquor License
51. Arrowhead Country Club, 3675 Sheridan Lake Rd., for a Retail (on-sale) Liquor License
52. WR Rapid City Ventures LP, Minerva's Restaurant & Bar, 2211 N LaCrosse St., for a Retail (on-sale) Liquor License
53. The Retired Enlisted Assoc Inc Chapter 29, 1981 E Centre Street, for a Retail (on-sale) Liquor License
54. Outback Midwest II LP DBA Outback Steakhouse, 665 Disk Drive, for a Retail (on-sale) Liquor License
55. Cortez LLC DBA Alex Johnson Hotel, 523 6<sup>th</sup> Street, for a Retail (on-sale) Liquor License
56. Atlantis LLC DBA Fairfield Inn and Suites by Marriott, 1314 N Elk Vale Rd., for a Retail (on-sale) Liquor License
57. Porter Apple Company DBA Applebee's Neighborhood Grill and Bar, 2160 Haines Ave. for a Retail (on-sale) Liquor License
58. Shooters Inc. DBA Shooters, 2504 W. Main Street, for a Retail (on-sale) Liquor License
59. RC Boston Company LLC DBA Boston's Restaurant and Sports Bar, 620 E. Disk Drive, for a Retail (on-sale) Liquor License
60. Steven C Lester DBA Rushmore Plaza Holiday Inn, 505 N 5<sup>th</sup> Street, for a Retail (on-sale) Liquor License
61. Retsel Inc DBA Cheers/Ramada Inn, 1721 N LaCrosse St., for a Retail (on-sale) Liquor License

Package (off-sale) Liquor License Renewals

62. Smith's Liquor Gallery Inc. DBA Smith's Liquor Gallery, 2218 Jackson Blvd. Ste. 1, for a Package (off-sale) Liquor License
63. Sooper Dooper Markets Inc. DBA Sooper Dooper #1, 913 E St. Patrick St., for a Package (off-sale) Liquor License
64. Sully Enterprises LLC DBA Common Cents, 2808 Sheridan Lake Rd., for a Package (off-sale) Liquor License
65. Sully Enterprises LLC DBA Common Cents, 634 E North Street, for a Package (off-sale) Liquor License
66. Staple and Spice Market Inc. DBA Staple and Spice Market, 601 Mt. Rushmore Rd., for a Package (off-sale) Liquor License

67. LaCroix Investments Inc. DBA Bus's Bottle Shop, 615 E North Street, for a Package (off-sale) Liquor License
68. Bach Investment Inc. DBA Hideaway Casino, 1575 N LaCrosse St. Ste. D, for a Package (off-sale) Liquor License
69. Fresh Start Convenience Stores Inc. DBA Ranch Mart, 520 Birch Ave., for a Package (off-sale) Liquor License
70. Debra J Erickson DBA Corner Pantry – LaCrosse Street, 2130 LaCrosse Street, for a Package (off-sale) Liquor License
71. Thrifty Smoke Shop Inc. DBA Thrifty Smoke Shop, 718 E. St. Patrick Street, for a Package (off-sale) Liquor License
72. Thrifty Smoke Shop Inc. DBA Thrifty Smoke Shop III, 3030 W. Main Street Ste. B, for a Package (off-sale) Liquor License
73. Nash Finch Company DBA Family Thrift Center #265, 751 Mountainview Rd., for a Package (off-sale) Liquor License
74. Nash Finch Company DBA FTC Express #257, 3460 Sturgis Rd., for a Package (off-sale) Liquor License
75. Nash Finch Company DBA Family Thrift Center, 855 Omaha Street, for a Package (off-sale) Liquor License
76. Nash Finch Company DBA Prairie Bottle Market #43, 13 New York Street, for a Package (off-sale) Liquor License
77. Nash Finch Company DBA Family Thrift Center #253, 1516 E St. Patrick Street, for a Package (off-sale) Liquor License
78. Canyon Lake Liquors LTD DBA Canyon Lake Liquors, 4244 Canyon Lake Drive, for a Package (off-sale) Liquor License
79. Derby Advertising Inc. DBA Canyon Lake Chophouse, 2720 Chapel Lane, for a Package (off-sale) Liquor License
80. Carol Enterprises Inc. DBA Don's Valley Express #2, 3343 N Haines Ave., for a Package (off-sale) Liquor License
81. Carol Enterprises DBA Valley Liquor, 747 Timmons Blvd., for a Package (off-sale) Liquor License
82. Yellow Robe Enterprises LLC DBA Dacotah Liquors, 418 Knollwood Dr., for a Package (off-sale) Liquor License
83. Wal-East Development Inc. DBA Jackpot Casino Too, 1415 N La Crosse Street, for a Package (off-sale) Liquor License
84. Cortez LLC DBA Alex Johnson Hotel, 523 6<sup>th</sup> Street, for a Package (off-sale) Liquor License

85. Steven C Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N 5<sup>th</sup> Street, for a Package (off-sale) Liquor License
86. Retsel Corp DBA Ramada Inn, 1721 N LaCrosse St., for a Package (off-sale) Liquor License
87. Dakotas Best Brown Bag Deli Inc DBA Dakota Best Brown Bag Deli, 818 Main Street, for a Package (off-sale) Liquor License

***Public Works Committee Consent Items***

88. Acknowledge the report on Update on RFP on Re-Use Center at Landfill.
90. No. PW111009-01 – Approve leaving the three-way stop in place at Range Rd and Soo San Drive.
91. Approve having a letter drafted on behalf of the City to the Public Utilities Commission to ask them to delay the rate increase until January 2011.
92. No. PW111009-02 – Approve Authorization for Staff to Apply for Homeland Security Grant for Handheld Radios in the amount of \$13,490.00.
93. No. PW111009-03 – Approve Change Order No. 1 to SECO Construction, Inc. for the West Main Street/Creek Drive Bridge Repairs, Project No. ST09-1800 / CIP No. 50752, for an increase of \$6,741.34.
94. No. PW111009-04 – Approve Change Order No. 1 to SECO Construction for the Milo Barber Transportation Center, Project No. GB08-1765 / CIP No. 50746, for an increase of \$7,711.00.
95. No. PW111009-05 – Authorize Staff to Advertise for Bids for Transit Shelters Installation, Project No. TS09-1835 / CIP No. 50779. Estimated Cost of Project: \$65,000.00.
96. No. PW111009-06 – Authorize Staff to Advertise for Bids for CSAC Roof Replacement, Project No. GB09-1828 / CIP No. 50098. Estimated Cost of Project: \$360,000.00; with \$144,000.00 paid by Rapid City Area School District.
97. No. PW111009-07 – Authorize Staff to Advertise for Bids for PCC Pavement Repair – La Crosse Street Joint Sealing and Panel Repair, Project No. ST10-1841 / CIP No. 50445. Estimated Cost of Project: \$105,000.00.
98. No. PW111009-08 – Authorize Staff to Advertise for Bids for 11<sup>th</sup> Street Alley Sanitary Sewer Reconstruction, Project No. SS09-1772 / CIP No. 50422. Estimated Cost of Project: \$535,000.00.
99. No. PW111009-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with CETEC Engineering Services Inc., for the Kepps Watermain Extension and Control Valve Installation, Project No. W08-1702 / CIP No. 50625.
100. No. PW111009-10 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Renner & Associates, LLC, for 28-Acre Landfill Cell Closure, Project No. LF09-1844 / CIP No. 50783; in the amount of \$23,150.00.

- 101. No. PW111009-11 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement No. 6874 with the SD Department of Transportation for the East Boulevard/East North Street Reconstruction Project, Project No. ST08-1511 / CIP No. 50142.
- 102. No. PW111009-12 – Authorize Mayor and Finance Officer to Sign Professional Services Agreement with Ferber Engineering Company for the Jackson Springs Water Transmission Mains, Project No. WTP09-1836 / CIP No. 50780, in the amount of \$273,830.00.
- 103. No. PW111009-13 – Approve a Resolution Establishing Time and Place for Hearing on Assessment Roll for the South Street Sanitary Sewer Main Extension, Project No. SS09-1775 / CIP No. 50755.

RESOLUTION #2009-147  
 RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR  
 SOUTH STREET SANITARY SEWER EXTENSION  
 PROJECT NO. SS08-1775 / CIP NO. 50755

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

- 1. The Assessment Roll for South Street Sanitary Sewer Extension Project No. SS08-1775 / CIP No. 50755 was filed in the Finance Office on the 16th day of November 2009. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 21st of December 2009 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 16th day of November, 2009.

ATTEST:  
 s/ James F. Preston  
 Finance Officer

CITY OF RAPID CITY  
 s/ Alan Hanks, Mayor

(SEAL)

- 104. Confirm the Mayor’s appointment of Marcia Elkins, Ron Kroeger, and Ron Weifenbach from the Freeholders Panel to assist in assessing value to surplus hay bales.
- 105. No. 09RD006 - Approve a request by Olsen Development Company, Inc. to consider an application for a **Resolution for a Road Name Change from Clark Street to Clear View Lane** on the 48.35 foot street between Lot 1, Railroad Block 3 and Lot 49 Shaver Block Jackson View



Addition, located in the SW1/4 NW1/4 Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as Clark Street between West Fulton Street and the intersection of Jackson Boulevard and Mountain View Road.

RESOLUTION# 2009 – 159  
RESOLUTION RENAMING CLARK STREET TO CLEAR VIEW LANE

BE IT RESOLVED, by the City of Rapid City, that the 48.35 foot street between Lot 1, Railroad Block 3 and Lot 49 Shaver Block Jackson View Addition, located in the SW1/4 NW1/4 Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Clear View Lane.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**Legal & Finance Committee Consent Items**

- 107. No. LF111009-01 – Approve Resolution (No. 2009-149) of Intent to Establish the Downtown Business Improvement District and set the public hearing for Monday, January 11, 2010, at 7:00 p.m.

RESOLUTION 2009-149  
RESOLUTION OF INTENT TO ESTABLISH THE  
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT

WHEREAS, pursuant to SDCL ch. 9-55, the City of Rapid City is authorized to create Business Improvement Districts; and

WHEREAS, in accordance with SDCL 9-55-9, the owners of a majority of the assessable front footage in a business area have submitted a petition to the Common Council of the City of Rapid City to hold a hearing to create a district; and

WHEREAS, the boundaries of the business improvement district proposed by the petition meet the requirements of SDCL 9-55-4; and

WHEREAS, the petitioners state the business improvement district will be created for the purposes allowed by SDCL 9-55-3; and

WHEREAS, the Common Council of the City of Rapid City has determined that the creation of the Downtown Business Improvement District will promote the health, safety, prosperity, security and general welfare of the citizens of the City of Rapid City and the proposed district, and will provide special benefit to the property located within the boundaries of said proposed district.

NOW THEREFORE BE IT RESOLVED by the City of Rapid City that the Downtown Business Improvement District be created within the City of Rapid City; and

BE IT FURTHER RESOLVED that the boundaries of the proposed Downtown Business Improvement District are as follows:

1. Property located east of North Mount Rushmore Road and west of 5th Street, bounded on the north by North Street and bounded on the south by Omaha Street;
2. Property located east of West Boulevard and west of East Boulevard, bounded on the north by Omaha Street and on the south by Kansas City Street;
3. Property located east of Mount Rushmore Road and west of 4th Street, bounded on the north by Kansas City Street and on the south by Columbus Street;
4. Property located east of West Boulevard and west of Mount Rushmore Road, bounded on the north by Kansas City Street and on the south by Quincy Street;
5. Block 124 & Vacated Alley and 1/2 Vacated 6th Street, Lots 1-24 & Vacated Alley & 1/2 Vacated 6th Street of Block 125, Original Town of Rapid City;
6. Lot A, Knights of Columbus Subdivision.
7. Lots 1-8 & adjoining 40' of Vacated Rapid Street and Lots 21-32 Less RR ROW of Block 5, Riverside Subdivision;
8. Units 1-4 and Common Areas of First Western Gateway Condos;

BE IT FURTHER RESOLVED that the proposed Downtown Business Improvement District be divided into two zones as follows:

1. Zone 1 shall include the following property:
  - a. Property located east of Mount Rushmore Road and west of 5th Street, bounded on the north by Omaha Street and bounded on the south by the alley located between Kansas City Street and Quincy Street, excepting therefrom the S 45' of Lots 15-16 of Block 103, Original Town of Rapid City and S 50' of Lots 1-2 of Block 105, Original Town of Rapid City.
  - b. Lot 2 Less Lot H1 of the Madera Subdivision
  - c. E 450' of Tract A of Blocks 71-72, Lots 25-32, Lots 33-34, a subdivision of the S 56.6' of Lots 1-6, & Vacated Alley of Block 72, Original Town of Rapid City
  - d. Lots 1-6 & E 2' of Lot 7, Block 82, Original Town of Rapid City
  - e. N 65' of Lots 30-32 of Block 82, Original Town of Rapid City
  - f. E 14'2 1/4" of S 78'4" of Lot 28 & E 21'13 1/4" of the N 61'8" of Lot 28 & All of Lot 29 & S 75' of Lots 30-32, Block 82, Original Town of Rapid City
  - g. Lots 1-2 & Tract B of Lot 3, Block 92, Original Town of Rapid City h. W 20' of Lot 10; Lots 11-32, Block 92, Original Town of Rapid City
  - i. Lots 17-24 of Block 96, Original Town of Rapid City j. Lots 9-16 of Block 96, Original Town of Rapid City

- k. S 70' of Lots 17-19 of Block 86, Original Town of Rapid City
  - l. N 70' of Lots 17-19 of Block 86, Original Town of Rapid City
  - m. Lots 9-16 of Block 86, Original Town of Rapid City
  - n. Lots 17-23 of Block 76, Original Town of Rapid City
  - o. Units 1 & 2 and Common Area, Aby's Feed & Seed Condominiums
  - p. Lot 1 of Dan's Supermarket Tract Revised Less Lot H1, Block 66, Original Town of Rapid City
  - q. Tract NW 66 Less Lot H1 & Lot H2, Balance of Lots 12-16 Less Lot H1 of Lot 16, N 10' Vacated Alley adjacent to Lots 12-16 Less Lot H1, Block 66, Original Town of Rapid City
2. Zone 2 shall include all other property within the boundaries of the District.

BE IT FURTHER RESOLVED that the Downtown Business Improvement Board be created pursuant to SDCL 9-55-5, which shall consist of six property owners from Zone 1 and four property owners from Zone 2 within the business area to be improved, who shall be appointed by the Mayor with the approval of the Common Council;

BE IT FURTHER RESOLVED that the public facilities and improvements to be made or maintained within the proposed district include the following:

- 1. Construction, operation, management, maintenance, repair, marketing, promotion, programming and success of the Main Street Square Plaza.
- 2. Projects that encourage economic development within the district.

BE IT FURTHER RESOLVED that the proposed or estimated costs for improvements, facilities and activities within the district is Two Hundred Fifty-Five Thousand Forty Dollars (\$255,040).

BE IT FURTHER RESOLVED that the district's tax revenue shall be raised by special assessment as follows:

- 1. For property in Zone 1, an assessment of One Dollar Fifty Cents (\$1.50) per One Thousand Dollars (\$1,000.00) of assessed valuation of property.
- 2. For property in Zone 2, an assessment of Seventy-five Cents (\$0.75) per One Thousand Dollars (\$1,000.00) of assessed valuation of property.
- 3. The maximum assessment on each property shall be Three Thousand Dollars (\$3,000.00) per year.
- 4. The maximum assessment shall be increased each year by Three and one-half Percent (3.5%).

BE IT FURTHER RESOLVED that the special assessment tax shall be fair and equitable as required by SDCL 9-55-7.

BE IT FURTHER RESOLVED that the assessment shall be based upon the special benefit to the property within the district.

BE IT FURTHER RESOLVED that a hearing shall be held by the Common Council to consider the establishment of the Downtown Business Improvement District on the 21st day of December, 2009; and

BE IT FURTHER RESOLVED that the Finance Officer shall cause a Notice of Public Hearing for the creation of the proposed Downtown Business Improvement District to be mailed to each property owner at least thirty (30) days prior to the public hearing.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 108. Request Parks and Recreation Director Jerry Cole to bring forward a recommendation for cleaning up Canyon Lake Park to the December 2, 2009, Legal and Finance Committee meeting.
- 109. No. LF111009-02 – Approve Resolution Writing Off Uncollectible Ambulance Billing Accounts.

RESOLUTION #2009-166  
RESOLUTION WRITING OFF UNCOLLECTIBLE AMBULANCE BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain ambulance billing accounts, shown on Appendix A, attached, and totaling \$32,460.61 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, by the City of Rapid City, that the City Finance Officer be directed to remove such accounts from the active receivable of the City, said accounts being detailed in the official files of the City Finance Office.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 110. Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for the 5-Day Incident Commander Course in Pueblo, CO, in the approximate amount of \$2,438.
- 111. No. LF111009-03 – Approve Travel Request for Joe Tjaden and Jim Bussell to attend the 5-Day Incident Command Course in Pueblo, CO, December 7-11, 2009, in the approximate amount of \$5,076.
- 112. No. LF111009-04 - Approve Travel Request for Bernard Hall, Chief Electrical Inspector and Lon Schnittgrund, Building Inspector I, and three Fire Department staff to be determined to attend the

ICC International Codes Training Seminar in Denver, Colorado, March 1-5, 2010 (travel dates February 28, 2010 and March 6, 2010) in an approximate amount of \$8,037.00.

- 113. No. LF111009-06 – Acknowledge 2008 Annual Audit.
- 114. No. LF111009-07 – Approve Resolution No. 2009-148 Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION #2009-148  
 RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR  
 CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 16th day of November 2009. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 21st of December 2009 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 115. No. LF111009-08 – Approve Resolution No. 2009-146 Declaring Property Surplus.

RESOLUTION #2009-146  
 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 Department  
Rifle HS Precision; Pro Series 2000A; 4716  
Rifle HS Precision; Pro Series 2000A; 2478

Rifle HS Precision; Pro Series 2000A; 2485  
Parks Department  
2001; 60 inch Walker mower; Model MDD; Serial Number 54235

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 November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 116. No. LF111009-10 – Approve Travel Request for Robert Ellis, John Wagner, Dave Van Cleave, Rich Sagen, Don Brumbaugh, Dale Tech, Gunar Dzintars, Jerry Wright, Toni Broom, and Brenda Vespested to attend Public Works Department retreat meeting at Spearfish Canyon Lodge December 4, 2009, in the approximate amount of \$336.05.
- 117. No. LF111009-11 – Approve the 2009-2010 Deer Management Program.
- 118. No. LF111009-12 – Authorize staff to advertise for bids for Wilderness Park Playground Project No. PR08-6004.
- 119. No. LF101409-17 – Authorize Mayor and Finance Officer to sign First Addendum to the Master Development Agreement with St. Joe Investment Group, LLC.
- 120. No. LF111009-14 – Acknowledge raffle request from Western Dakota Tech.
- 121. No. LF111009-15 – Acknowledge raffle request from Rapid City Elks Lodge No. 1187.
- 122. No. LF111009-16 – Acknowledge raffle request from Altrusa Club.

***Growth Management Department Consent Items***

- 123. No. 09PL065 – Deny Without Prejudice a request by U Lazy Two, LLC for Kevin Kuehn for a **Layout Plat** on Lots 1 thru 5 of B&M Meadows Subdivision, located in Sectins 14 and 23, T2N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 1 (also in Section 23) of U Lazy Two Ranch Estates Subdivision, Section 14, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Nemo Road between Schmitz Trail and Palmer Road.

END OF CONSENT CALENDAR

Motion was made by Costello, second by Waugh, to (No. PW111009-14) Set April 1, 2010, as the deadline for the improvements to be completed on the Homestead Subdivision drainage. Elkins referred to a memorandum directed to the Public Works Committee and indicated that the continuance to April is to allow specific issues to be taken care of. She confirmed that this will make sure the drainage issues are fixed and also said the interested parties have attended inspections and have been onsite. Jack White confirmed his concern with the standing water. It was indicated that the road Mr. White is referring to is outside the corporate limits and the drainage portion is inside the corporate limits. Elkins said she

would meet with Mr. White regarding the curb issue on his street, and Hadcock requested a meeting to review what is happening. Motion carried.

Motion was made by Olson, second by Waugh, to acknowledge receipt of a petition to create Downtown Business Improvement District. Green explained that these are not formal petitions and it appears they have a sufficient number of signatures to require the public hearing. If the majority objects at the public hearing, then the BID cannot proceed, and if the majority of owners do not object, then it will be up to Council to proceed. City staff will send notification of the hearing to all property owners in the district. Green confirmed that, in terms of linear feet, there will be a detailed schematic available to show how much each owner has in the district. Olson supports the petition and said this is the first step in the process. LaCroix agrees that this is a positive step forward and was also concerned with how the majority is determined. Green clarified that there would have to be written objection by those who are opposed. Motion carried.

### **CONTINUED CONSENT ITEMS** – Items 124 – 131

The following items were removed from the Continued Consent Items:

125. 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 of Rushmore Business Park, 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.

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

### ***Continue the following items until December 7, 2009:***

124. 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.

126. 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.
127. No. 09PL024 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Preliminary Plat** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.
128. No. 09PL047 - A request by Centerline, Inc. for PLM Land Development, LLC for a **Preliminary Plat** on Lots 36 thru 53 of Block 1 of PLM Subdivision, located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern extension of Conestoga Court.
129. No. 09PL061 - A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Layout and Preliminary Plat** on Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44.
130. No. 09PL066 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1520 Luna Avenue.
131. No. 09RD003 - A request by City of Rapid City for a **Resolution for a Road Name Change from Menard Drive to Century Road** on Menard Drive Right-of-way lying adjacent to Lots B and C of Menard Subdivision Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located lying between East North Street and North Creek Drive.

END OF CONTINUED CONSENT ITEMS



Motion was made by Olson, second by LaCroix and carried to approve (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 of Rushmore Business Park, 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 with the following revised stipulations: 1. Prior to initiation of construction or submission of a Final Plat application, whichever shall occur first, an Erosion and Sediment Control Permit shall be obtained; 2. Upon submittal of a Final Plat application, the developer and the City shall have entered into an agreement for the payment of any oversize costs for public improvements; 3. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 4. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 5. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the Preliminary Plat shall be deemed to be expired. However, the owner or applicant of the property proposed to be platted may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

#### **NON-CONSENT ITEMS** – Items 132 – 148

Motion was made by LaCroix, second by Costello and carried to open the public comment for items 132 – 148. No comments were offered.

Motion was made by Chapman, second by Olson and carried to close the public comment for items 132 – 148.

#### ***Ordinances***

Ordinance 5558 (No. 09OA008) An Ordinance Adding Conditional Uses in the Business Park Zoning District by Amending Section 17.56.030 of the Rapid City Municipal Code. Motion was made by Olson, second by Chapman, that Ordinance 5558 be placed upon its first reading. Weifenbach indicated his support for adding computer manufacturing to the ordinance, and Mayor Hanks confirmed that staff can bring back a recommendation to the second reading. Motion carried and the title was fully and distinctly read and second reading set for Monday, December 7, 2009.

Ordinance 5561 (No. LF111009-05) An Ordinance to Change the Due Date of Occupancy Tax Remittances for Business Improvement District No. 1 by Amending Section 3.24.080 of the Rapid City Municipal Code. Motion was made by Olson, second by Chapman and carried that Ordinance 5561 be

placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, December 7, 2009.

Ordinance 5559 (No. LF111009-09) An Ordinance to Transfer the Energy Plant Division from the Department of Public Works to the Rushmore Plaza Civic Center Board by Amending and Transferring Section 2.44.060 of the Rapid City Municipal Code to Section 2.76.160 of the Code. Motion was made by Olson, second by Chapman, that Ordinance 5559 be placed upon its first reading. Weifenbach stated his concern that this would turn control over to a board not under the City staff direction when some of the buildings are City buildings. Olson indicated she was assured that the essential duties are computer monitoring, so she has confidence in this decision. Costello agreed that this is a good move for efficiency. It was indicated there are 6 employees at the energy plant and union processes will remain the same. Mayor Hanks clarified that the energy plant will submit their budget to the Civic Center rather than Public Works, and Ellis indicated his support for the change. Green confirmed this does not change the user board and would simply change the supervisor. Motion carried and the title was fully and distinctly read and second reading set for Monday, December 7, 2009.

Ordinance 5560 (No. LF111009-13) An Ordinance to Update the List of Unlawful Acts of Discrimination by Amending Section 2.64.030 of the Rapid City Municipal Code. Motion was made by Olson, second by Waugh and carried that Ordinance 5560 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, December 7, 2009.

Ordinance 5562 (No. 09RZ045) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** of Lots 1 thru 10 of Fravel Tract and Lot 1 of the NW1/4 SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2828 Orchard Lane. Motion was made by Olson, second by LaCroix and carried that Ordinance 5562 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, December 7, 2009.

### ***Public Works Committee Items***

Motion was made by Costello, second by Olson, to (No. 09EX110) Deny a Request for Exception to Section 8.2.1(H) of the General Requirements for Driveways from the City of Rapid City Street Design Criteria Manual, to allow three driveways to a business establishment for Steele Plaza on Lot 8 Less Lot 8A & Lot 11 Less Lot 11a of Tract D; Lot 12 Less Lot A But Including Lot B of Lot 12 of Tract D Sunnysvale located at 3618 Canyon Lake Drive. Elkins explained the curb cut that needs to be eliminated and confirmed it is not operating as a loading area. Olson and LaCroix both agreed it makes sense to eliminate this third access point, and Costello stated that removing this access point should not impact delivery drivers. Upon roll call vote, the following voted AYE: Weifenbach, Hadcock, Waugh, Martinson, Costello, LaCroix, Chapman and Olson; NO: Kooiker. Motion carried.

Motion was made by LaCroix, second by Costello and carried to open the public comment for items 191 and 192. Brian Fenske stated his concern for high traffic in the Neck Yoke Road area if a new collector road is put in, and Julie Mueller briefly spoke of her opposition to the new road. Mike Mueller said there would be interest by property owners in discussing other options with the Future Land Use Committee and said if there is something pushing this item the developer should take responsibility and offer property. John Ziegler said that having this major intersection in the area is not a good idea.

Motion was made by Costello, second by Chapman and carried to close the public comment.

The Mayor presented (No. 09CA001) A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan adopting the Spring Creek Neighborhood Area Future Land Use Plan** on that portion of Sections 1, 3, 10, 11, 12, 14 and 15 lying south of Spring Creek, all of

Sections 13, 22, 23, 24, 25, and 26, and all of Section 27 less Foster Lode Mineral Survey, Township 1 South, Range 6 East, BHM, Pennington County, South Dakota; that portion in the W1/2 of Section 4 and Sections 5, 6 and 7 lying south of Spring Creek, the W1/2 and SE1/4 of Section 9, the S1/2 of Sections 10 and 11, and all of Sections 1, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Township 1 South, Range 7 East, BHM, Pennington County, South Dakota; the E1/2 and SW1/4 of Section 25 and all of Section 36, Township 1 North, Range 7 East, BHM, Pennington County, South Dakota; that portion of Sections 29 and 32 lying west of SD Highway 79 and all of Sections 30 and 31, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; that portion of Sections 5, 8, 17, 20 and 29 lying west of SD Highway 79 and all of Sections 6, 7, 18, 19 and 30, Township 1 South, Range 8 East, BHM, Pennington County, South Dakota, more generally described as being located south of Spring Creek, east of Boulder Hill Road, north of Knotty Pine Road and west of S.D. Highway 79. Motion was made by Olson, second by Chapman to continue to the February 16, 2010 City Council meeting. Weifenbach said he understands if there needs to be discussion, but he is ready to eliminate the road. Elkins confirmed that preservation of roadway corridors has been discussed.

Amendment motion was made by Weifenbach, second by Costello, to remove this road from the future land use plan. Elkins said this road is based on future needs and spacing, not traffic. Hadcock suggested a traffic engineer look at the roads, and Elkins said Denny Landguth, a former SDDOT employee, has been involved and is a highly qualified person. Hadcock offered a friendly amendment to consider future road studies in the area, but Weifenbach chose not to accept the amendment to the motion. Elkins confirmed a portion of this follows the section line highways, and she said the committee did drive through the area. Olson said it is important to have a neighborhood meeting and does not want someone to get landlocked in the future. She said the next step is to involve additional neighbors along Neck Yoke Road. LaCroix stated his support for the original motion and thinks the Future Land Use Committee needs to discuss other ideas. Chapman thinks we are making progress but need to listen to all citizens. Decisions should be made by looking at it globally. Weifenbach said the area is insurmountable to build a road and taking this off the plan does not change the integrity of the land use. Chapman said the motion to continue does not negatively impact anyone and it gives more time to look at the issue. Olson agreed. The question was called by Waugh, and there was no objection. Upon roll call vote, the following voted AYE: Martinson, Kooiker, Costello and Weifenbach; NO: Hadcock, Waugh, LaCroix, Chapman and Olson. Motion failed.

The motion on the floor is the original motion to continue to the February 16, 2010 City Council meeting. Costello hopes to see feasible alternatives. Question was called by Chapman. Hadcock objected, so Chapman yielded. Hadcock explained that she agrees with removing the road but wants more information as well. Weifenbach asked what will be different by continuing and mentioned that if we rely on professional decisions they should be on staff or hired by the City. Elkins said the recommendation to continue was to allow time for a neighborhood meeting. Motion carried.

The Mayor presented (No. 09CA002) A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to Revise the Major Street Plan by eliminating, adding and realigning arterial and collector streets in the Spring Creek Neighborhood Area Future Land Use Plan** on that portion of Sections 1, 3, 10, 11, 12, 14 and 15 lying south of Spring Creek, all of Sections 13, 22, 23, 24, 25, and 26, and all of Section 27 less Foster Lode Mineral Survey, Township 1 South, Range 6 East, BHM, Pennington County, South Dakota; that portion in the W1/2 of Section 4 and Sections 5, 6 and 7 lying south of Spring Creek, the W1/2 and SE1/4 of Section 9, the S1/2 of Sections 10 and 11, and all of Sections 1, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, Township 1 South, Range 7 East, BHM, Pennington County, South Dakota; the E1/2 and SW1/4 of Section 25 and all of Section 36, Township 1 North, Range 7 East, BHM, Pennington County, South Dakota; that portion of Sections 29 and 32 lying west of SD Highway 79 and all of Sections 30 and 31, Township 1 North, Range 8 East, BHM, Pennington County, South Dakota; that portion of Sections 5, 8, 17, 20 and 29 lying west of SD Highway 79 and all of Sections 6, 7, 18, 19 and 30, Township 1 South, Range 8 East, BHM, Pennington County, South Dakota, more generally described as being located

south of Spring Creek, east of Boulder Hill Road, north of Knotty Pine Road and west of S.D. Highway 79. Motion was made by Olson, second by Hadcock and carried to continue to the February 16, 2010 City Council meeting.

### ***Bids***

The following companies submitted bids for (No. CC111609-02.1) Water Treatment Plant Upgrades - Jackson Springs Membrane Prepurchase Project No. W09-1689/CIP No. 50696 opened on November 5, 2009: Zenon Environmental Corporation dba GE Water and Process Technologies Canada. Staff reviewed the bid and recommends bid award to Zenon Environmental Corporation dba GE Water and Process Technologies Canada contingent upon review and approval by the South Dakota Department of Environment and Natural Resources. Motion was made by Waugh, second by Olson, to approve the bid award to the lowest responsible bidder, Zenon Environmental Corporation dba GE Water and Process Technologies Canada, in the amount of \$3,631,056.00 contingent upon review and approval by the South Dakota Department of Environment and Natural Resources. Ellis confirmed that there were two potential bidders but the other firm chose not to submit a bid. Motion carried.

The following companies submitted bids for (No. CC111609-02.2) Catron Blvd/Hwy 16B Sanitary Sewer Extension Project No. SS09-1782/CIP No. 50396 opened on November 10, 2009: Rapid Construction, Nieber Golf Inc., Lind Exco Inc., Mainline Contracting, Quinn Construction Inc., Highmark Inc., Heavy Constructors Inc., RCS Construction, Hills Materials Company and Site Work Specialists. Staff reviewed the bids and recommends bid award to RCS Construction. Motion was made by Olson, second by Costello, to approve the bid award to the lowest responsible bidder, RCS Construction, in the amount of \$502,470.00. Weifenbach pointed out that the bid came in much lower than the engineer's estimate. Motion carried.

The following companies submitted bids for (No. CC111609-02.3) Snow Removal Operations for City Parking Lot Number 4 opened November 10, 2009: Hills Materials Company and Heavy Constructors. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Costello, to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$495.00. Preston explained that we previously paid on an hourly basis, and Ellis confirmed that regardless of the amount of snow the rate will be the same. It was indicated that funds come from the parking lot area fund. Motion carried.

The following companies submitted bids for (No. CC111609-02.4) Snow Removal Operations for City Parking Lot Number 5 opened November 10, 2009: Hills Materials Company and Heavy Constructors. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by Costello, second by Olson and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$795.00.

The following companies submitted bids for (No. CC111609-02.5) Snow Removal Operations for City Parking Lot Number 6-1 opened November 10, 2009: Hills Materials Company and Heavy Constructors. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Weifenbach and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$395.00.

The following companies submitted bids for (No. CC111609-02.6) Snow Removal Operations for City Parking Lot Number 9 opened November 10, 2009: Heavy Constructors. Staff reviewed the bid and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Costello and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$395.00.

The following companies submitted bids for (No. CC111609-02.7) Snow Removal Operations for City Parking Lot Number 8 opened November 10, 2009: Heavy Constructors. Staff reviewed the bid and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Costello and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$375.00.

The following companies submitted bids for (No. CC111609-02.8) Snow Removal Operations for City Parking Lot Number 6-2 opened November 10, 2009: Heavy Constructors. Staff reviewed the bids and recommends rejecting all bids. Motion was made by Costello, second by Olson and carried to reject all bids and authorize staff to re-advertise.

The following companies submitted bids for (No. CC111609-02.9) Snow Removal Operations for City Parking Lot Number 7 opened November 10, 2009: Hills Materials Company and Heavy Constructors. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by Olson, second by Weifenbach and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$495.00.

The following companies submitted bids for (No. CC111609-02.10) Operated Equipment Rental for Street Snow Removal Operations opened November 10, 2009: Site Work Specialists, Heavy Constructors, Beka Construction, Simon Contractors, Lind Exco, Roth Trucking and Hills Materials Company. Staff reviewed the bids and recommends bid award to Site Work Specialists, Heavy Constructors, Beka Construction, Simon Contractors, Lind Exco, Roth Trucking and Hills Materials Company on an on-call basis. Motion was made by Olson, second by Costello and carried to approve the bid award to Site Work Specialists, Heavy Constructors, Beka Construction, Simon Contractors, Lind Exco, Roth Trucking and Hills Materials Company on an on-call basis.

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

Alderman Chapman requested approval for a Alderman Hadcock and Barb Garcia to attend the National League of Cities Bank on Cities Campaign meeting in Seattle on December 7 – 9, 2009. The costs are up to \$2,174.00, but the actual costs due to realized savings are \$1,600.00 of which up to \$1,700.00 will be paid back by the National League of Cities. Motion was made by Chapman, second by LaCroix and carried to approve the travel request up to \$2,174.00.

Alderman Hadcock thanked those who helped with Christmas decorations around the City.

### ***Staff Items***

Motion was made by Chapman, second by Olson and carried to (No. CC111609-03) Acknowledge the raffle request from Black Hills Symphony Orchestra Society Inc.

### **PUBLIC HEARING ITEMS – Items 149 – 197**

Motion was made by Costello, second by Waugh and carried to open the public hearing for items 149 – 197. James Scull requested approval of his rezoning request to tie in with the industrial development in the area.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 149 – 154**

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

***Continue the following items until December 7, 2009:***

149. No. 09CA028 - A request by Dream Design International, Inc. for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development** on a portion of Tract C of Rushmore Center, located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwesterly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of 60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 05°10'30", a length of 48.41 feet, a chord bearing of N05°50'50"W, and chord distance of 48.40 feet, to the point of beginning, located at 1520 Luna Avenue.
150. No. 09RZ044 - A request by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 70 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2850 Terra Street - East of Valley Drive.
151. No. 09RZ048 - A request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on a portion of Tract C of Rushmore Center, located in the E½ of the SE¼, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.52 feet to the southeasterly corner of said Tract A, common to the southwesterly corner of Tract B of Block 2 of Rushmore Crossing; Thence, second course: S60°50'50"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 471.28 feet; Thence, third course: S50°54'28"W, distance of 950.41, to a point on the westerly edge of Luna Avenue right-of-way; Thence, fourth course: N01°57'56"E, along the westerly edge of said Luna Avenue right-of-way, distance of 19.99 feet; Thence, fifth course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 1970.00 feet, a delta angle of 01°48'09", a length of 61.97 feet, a chord bearing of N01°03'52"E, and chord distance of 61.97 feet; Thence, sixth course: N00°09'48"E, along the westerly edge of said Luna Avenue right-of-way, distance of 816.92 feet; Thence, seventh course: curving to the left, along westerly edge of said Luna Avenue right-of-way, on a curve with a radius of 476.00 feet, a delta angle of 03°25'22", a length of 28.44 feet, a chord bearing of N01°32'53"W, and chord distance of 28.43 feet; Thence, eighth course: N86°44'26"E, distance of

60.00 feet, to a point on the westerly boundary of said Tract C, common to a point on the easterly edge of said Luna Avenue right-of-way; Thence ninth course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of  $05^{\circ}10'30''$ , a length of 48.41 feet, a chord bearing of  $N05^{\circ}50'50''W$ , and chord distance of 48.40 feet, to the point of beginning, located at 1520 Luna Avenue.

152. No. 09SV012 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  and in Lot B of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  and in Lot B of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.
153. No. 09SV020 - A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to reduce the street surface width from 24 feet to 18 and 10 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Clemmons Addition, located in the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line,  $S00^{\circ}04'53''W$  a distance of 1,050.36 feet, more or less; thence,  $N63^{\circ}41'40''W$  a distance of 205.00 feet, more or less; thence,  $N84^{\circ}39'26''W$  a distance of 270.00 feet, more or less; thence,  $N33^{\circ}30'20''W$  a distance of 84.00 feet, more or less; thence,  $N00^{\circ}00'00''W$  a distance of 796.70 feet, more or less; thence,  $N57^{\circ}23'22''W$  a distance of 117.40 feet, more or less; thence,  $N03^{\circ}48'46''E$  a distance of 95.00 feet, more or less; thence,  $N12^{\circ}39'32''W$  a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3,  $S89^{\circ}55'53''E$  a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of  $04^{\circ}17'31''$ , an arc length of 442.55 feet, and a chord bearing and distance of  $S62^{\circ}19'02''E$  442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way,  $S64^{\circ}32'29''E$  a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44.
154. No. 09SV021 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to construct pavement, curb, gutter, sidewalk, water, sewer and street light conduit on the shared access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Tract C of Rushmore Center, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract C of Rushmore Center, located in E $\frac{1}{2}$  of the SE $\frac{1}{4}$ , Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Tract C of Rushmore Center, common to a corner on the southerly boundary of Tract A of Block 2 of Rushmore Crossing, and the point of beginning, Thence first course:  $S60^{\circ}51'06''E$ , along the northerly boundary of said Tract C, common to the southerly boundary of said Tract A, a distance of 306.46 feet to the southeasterly corner of said Tract A, common to the southwest corner of Tract B of Block 2 of Rushmore Crossing; Thence,

second course: S60°52'33"E, along the northerly boundary of said Tract C, common to the southerly boundary of said Tract B, a distance of 9.77 feet; Thence, third course: S29°09'15"W, distance of 115.47 feet; Thence, fourth course: S00°06'45"W, distance of 153.92 feet; Thence, fifth course: N89°50'08"W, distance of 214.75 feet, to a point on the westerly boundary of said Tract C, common to the easterly edge of Luna Avenue right-of-way; Thence, sixth course: N00°09'48"E, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, a distance of 328.13 feet; Thence seventh course: curving to the left, along the westerly boundary of said Tract C, common to the easterly edge of said Luna Avenue right-of-way, on a curve with a radius of 536.00 feet, a delta angle of 08°35'09", a length of 80.32 feet, a chord bearing of N04°09'13"W, and chord distance of 80.25 feet, to the northwesterly corner of said Tract C, common to a corner on the southerly boundary of said Tract A, and the point of beginning, located at 1520 Luna Avenue.

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Waugh, second by Olson and carried to close the public comment for items 149 – 197.

#### CONSENT PUBLIC HEARING ITEMS – Item 155 – 190

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

155. No. 08SV047 – Deny Without Prejudice 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 of Rushmore Business Park, 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.
160. LaMore Restaurant Group Inc. DBA Denny's, 2206 N LaCrosse St. for a Retail (on-off sale) Malt Beverage License NO Video Lottery (*Continued from July 20, August 3, September 8, October 5, and November 2 2009 City Council*)



- 161. LaMore Restaurant Group Inc. DBA Denny’s, 2206 N LaCrosse St. for a Retail (on-off sale) Wine License *(Continued from July 20, August 3, September 8, October 5, and November 2, 2009 City Council)*
- 162. Red Carpet Events, 2200 Maple Avenue, for a Retail (on-off sale) Malt Beverage License (No Video Lottery) *(Continued from September 21, October 5, and November 2, 2009 City Council)*
- 170. Red Rock Golf Club LLC DBA Red Rock Golf Club, 6520 Birkdale Dr. for a Retail (on-sale) Liquor License

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

**Growth Management Items**

- 156. No. 09CA025 – Approve a request by James Hoag for Hoag Land Co., - West Central Mfg. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Business Park with a Planned Commercial Development** on Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, located at 818, 910 and 920 E. St. Andrew Street.

RESOLUTION# 2009-154  
 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 16th day of November, 2009, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Residential to Business Park with a Planned Commercial Development on Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 818, 910 and 920 E. St. Andrew Street; 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 Residential to Business Park with a Planned Commercial Development on Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, more generally described as being located at 818, 910 and 920 E. St. Andrew Street, as attached to the original hereof be filed with the City Finance Office.

Dated this 16th day of November, 2009.

CITY OF RAPID CITY

ATTEST:  
s/ James F. Preston  
Finance Officer

s/ Alan Hanks, Mayor

(SEAL)

- 157. No. 09CA026 – Approve a request by City of Rapid City for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Light Industrial with a Planned Industrial Development to Low Density Residential** on Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3033 South Valley Drive.

RESOLUTION# 2009-155  
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 16<sup>th</sup> day of November, 2009, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Light Industrial with a Planned Industrial Development to Low Density Residential on Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3033 South Valley 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 Light Industrial with a Planned Industrial Development to Low Density Residential on Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3033 South Valley Drive, as attached to the original hereof be filed with the City Finance Office.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 158. No. 09CA027 – Approve a request by City of Rapid City for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Public to Low Density Residential** on Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington, located at 2819 and 2826 Garden Lane.

RESOLUTION# 2009-156

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 16<sup>th</sup> day of November, 2009, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Public to Low Density Residential on Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2819 and 2826 Garden Lane; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Public to Low Density Residential on Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2819 and 2826 Garden Lane, as attached to the original hereof be filed with the City Finance Office.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 159. No. 09CA029 – Approve a request by James L. Scull, Jr. for an **Amendment to the adopted Comprehensive Plan to change the land use designation from General Commercial to Light Industrial** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 925 Elk Vale Road.

RESOLUTION# 2009-158  
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 16<sup>th</sup> day of November, 2009, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from General Commercial to Light Industrial on Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Elk Vale Road; 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 Light Industrial on Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 925 Elk Vale Road, as attached to the original hereof be filed with the City Finance Office.

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

***Alcohol Licenses***

- 163. Bosselman, Inc of South Dakota DBA Bosselman Travel Center, 2783 Deadwood Ave. for a Package (off-sale) Malt Beverage and SD Farm Wine License
- 164. Fancies Flowers and Gifts Inc. DBA Fancies Flowers and Gifts, 1301 Mt. Rushmore Rd. for a Package (off-sale) Malt Beverage and SD Farm Wine License
- 165. TADY LLC DBA Sports Buzz, 2101 Mt. Rushmore Rd. for a Retail (on-sale) Malt Beverage License (No Video Lottery) TRANSFER from Sports Saloon Inc. DBA Sports Buzz, 2101 Mt. Rushmore Rd.
- 166. TADY LLC DBA Sports Buzz, 2101 Mt. Rushmore RD. for a Retail (on-off sale) Wine License TRANSFER from Sports Saloon Inc. DBA Sports Buzz, 2101 Mt. Rushmore Rd.

Retail (on-off sale) Wine License Renewals for 2010

- 167. Robert W Johnson DBA Canyon Lake Pub & Casino, 4116 Jackson Blvd. for a Retail (on-off sale) Wine License
- 168. Gab Denk Kwak DBA Hana Restaurant, 2328 W. Main St. for a Retail (on-off sale) Wine License

Retail (on-sale) Liquor License Renewals for 2010

- 169. Loyal Order of Moose, 841 E. St. Patrick St. for a Retail (on-sale) Liquor License
- 171. Colonial House Inc. DBA Colonial House, 2501 Mt. Rushmore Rd. for a Retail (on-sale) Liquor License

- 172. Sanfords Grub and Pub South Dakota Inc. DBA Sanfords Grub and Pub, 306 7<sup>th</sup> St. for a Retail (on-sale) Liquor License
- 173. Fat Boy's Inc. DBA Fire House Brewing Co., 610 Main St. for a Retail (on-sale) Liquor License
- 174. BDUBS LLC DBA Buffalo Wild Wings, 715 Mt. View Rd. for a Retail (on-sale) Liquor License
- 175. GS Corp DBA Casa Re-al, 2315 ½ Mt. Rushmore Rd. for a Retail (on-sale) Liquor License
- 176. Meadowood Lounge Inc. DBA Meadowood Lounge, 3809 Sturgis Rd. for a Retail (on-sale) Liquor License
- 177. Shiba Investments DBA Radisson, 445 Mt. Rushmore Rd. for a Retail (on-sale) Liquor License
- 178. Kelly's Sports Lounge II Inc. DBA Kelly's Sports II, 318-320 E. Blvd. for a Retail (on-sale) Liquor License
- 179. Rushmore Cuisine Inc. DBA Ruby Tuesday, 2709 Mt. Rushmore Rd. for a Retail (on-sale) Liquor License
- 180. Kurylas Inc. DBA Imperial Inn, 100 St. Joe St. for a Retail (on-sale) Liquor License
- 181. Oasis Lounge Inc. DBA Oasis Lounge, 711 Main St. for a Retail (on-sale) Liquor License
- 182. Rapid City Elks Club DBA Elks Lodge #1187, 3333 E 39<sup>th</sup> St. for a Retail (on-sale) Liquor License
- 183. GMRI Inc. DBA Red Lobster #0460, 120 Disk Dr. for a Retail (on-sale) Liquor License
- 184. GMRI Inc. DBA The Olive Garden Italian Restaurant, 160 Disk Dr. for a Retail (on-sale) Liquor License

Package (off-sale) Liquor License Renewals for 2010

- 185. Sam's West Inc. DBA Sam's Club, 1020 LaCrosse St. for a Package (off-sale) Liquor License
- 186. B & L Inc. DBA Boyds Liquor Mart, 2001 W. Main St. for a Package (off-sale) Liquor License
- 187. B & L Inc. DBA Boyds Liquor Mart, 909 E. St. Patrick St. for a Package (off-sale) Liquor License
- 188. Mills Drug Inc. DBA Boyds Liquor Mart, 1424 Mt. Rushmore Rd. for a Package (off-sale) Liquor License
- 189. Fat Boy's Inc. DBA Firehouse Brewing Co., 610 Main St. for a Package (off-sale) Liquor License

**Assessment Rolls**

- 190. No. PW101309-13 - Resolution Levying Assessment for the Block 110 Original Townsite Sanitary Sewer Extension, East Boulevard Area (Kansas City Street to Quincy Street), Project No. SS08-1752 / CIP No. 50742.

RESOLUTION LEVYING ASSESSMENT FOR  
SEWER EXTENSION, BLOCK 110 ORIGINAL TOWNSITE (EAST BOULEVARD, KANSAS CITY  
TO QUINCY) PROJECT NO. SS08-1752 / CIP NO. 50742

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Sewer Extension, Block 110 Original Townsite (East Boulevard, Kansas City to Quincy) Project No. SS08-1752 / CIP No. 50742 is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 16th day of November, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented (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 of Rushmore Business Park, 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. Motion was made by Costello, second by Olson, to deny without prejudice. Elkins said the applicant has designed Anamosa and do not need the variance. She confirmed there will be sidewalks as part of the TIF. Motion carried.

The Mayor presented LaMore Restaurant Group Inc. DBA Denny's, 2206 N LaCrosse St. for a Retail (on-off sale) Malt Beverage License NO Video Lottery; LaMore Restaurant Group Inc. DBA Denny's, 2206 N LaCrosse St. for a Retail (on-off sale) Wine License; and Red Carpet Events, 2200 Maple Avenue, for a Retail (on-off sale) Malt Beverage License (No Video Lottery). Motion was made by Weifenbach, second by LaCroix and carried to acknowledge the applicants' withdrawal of the requests.

The Mayor presented a request by Red Rock Golf Club LLC DBA Red Rock Golf Club, 6520 Birkdale Dr. for a Retail (on-sale) Liquor License. Motion was made by Olson, second by Chapman, to approve the request. Alderman Waugh wanted to acknowledge that he is abstaining from this item. Motion carried with Waugh abstaining.

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 191 – 197

Ordinance 5551 (No. 09RZ042) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by James Hoag for Hoag Land Co., - West Central Mfg. for a **Rezoning from General Commercial District to Business Park District** on Lots 1 thru 4 of Lot H of Lot 1 of the SW1/4 SE1/4, vacated alley adjacent to said Lots 3 and 4, Lots 3 thru 9 and Lots 5 thru 8 of Lot H of Lot 1 of the SW1/4 SE1/4, Section 6, T1N, R8E, Rapid City, Pennington County, South Dakota, located at 818, 910 and 920 E. St. Andrew Street having passed its first reading on October 19, 2009. Motion was made by Olson, second by Waugh and carried that the title be read the second time with the stipulation that it is approved in conjunction with the associated Comprehensive Plan Amendment. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5551 was declared duly passed upon its second reading.

Ordinance 5552 (No. 09RZ043) 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** on the south 293 feet of Lot 6 of Marshall Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Valley Drive and north of S.D. Highway 44 having passed its first reading on October 19, 2009. Motion was made by Olson, second by LaCroix and carried that the title be read the second time. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5552 was declared duly passed upon its second reading.

Ordinance 5554 (No. 09RZ046) 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** on Tract B of Jepsen Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3033 South Valley Drive having passed its first reading on November 2, 2009. Motion was made by Olson, second by LaCroix and carried that the title be read the second time with the stipulation that it is approved in conjunction with the Comprehensive Plan Amendment. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5554 was declared duly passed upon its second reading.

Ordinance 5555 (No. 09RZ047) 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** on Lot A of Lot 5, Lot 7 and a portion of Lots 5 and 6 of the SW1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2819 and 2826 Garden Lane having passed its first reading on November 2, 2009. Motion was made by Olson, second by Waugh and carried that the title

be read the second time with the stipulation that it is approved in conjunction with the Comprehensive Plan Amendment. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5555 was declared duly passed upon its second reading.

Ordinance 5557 (No. 09RZ049) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by James L. Scull, Jr. for a **Rezoning from General Commercial District to Light Industrial District** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, located in the SE1/4 NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 925 Elk Vale Road having passed its first reading on November 2, 2009. Motion was made by Olson, second by LaCroix, that the title be read the second time with the stipulation that it is approved in conjunction with the associated Comprehensive Plan Amendment. Elkins confirmed that when a new building is built they will be required to put in sidewalks. It was also indicated the existing zoning is general commercial and the zoning to the west is Light Industrial, so since no other properties had planned developments, the Future Land Use Committee did not feel it was necessary. Hadcock said she would add a PID since this is a frontage road. Elkins cautioned that a continuance would delay the company moving into the location by about 45 days.

Substitute motion was made by Hadcock, second by Weifenbach, to continue the item to the December 7, 2009 City Council meeting. Hadcock said the process needs to change, and LaCroix pointed out that each case is different. Weifenbach said he will not support the motion on the floor but will bring the process forward as it is skewed. Kooiker pointed out that there is a fundamental difference between an empty lot and one with a building. Hadcock said she will fight for process and procedure in the future. LaCroix mentioned that a PID would be a hindrance in this case. Motion failed with one AYE from Hadcock.

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

**BILLS**

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

Payroll Paid Ending 10-24-09, Paid 10-30-09	868,383.81
Payroll Paid Ending 11-07-09, Paid 11-13-09	865,176.70
Payroll Paid Ending 10-24-09, Paid 10-30-09	3,592.80
Payroll Paid Ending 09-12-09, Paid 09-18-09	3,592.80
Pioneer Bank & Trust, Taxes Paid 10-30-09	204,187.78
Pioneer Bank & Trust, Taxes Paid 11-13-09	197,383.81
Pioneer Bank & Trust, Taxes Paid 10-30-09	255.58
Pioneer Bank & Trust, Taxes Paid 11-13-09	253.46
SD Retirement System, Paid 11-03-09	471,035.51
SD Retirement System, Paid 11-03-09	640.53
Berkley Risk Administrators, Paid 11-02-09	40,932.29
Black Hills Electric Cooperative	638.46
First Administrators, Claims through 11-02-09	121,855.31
First Administrators, Claims through 11-09-09	139,064.79
Montana Dakota Utilities, Paid 11-10-09	4,139.79
SD Retirement System	45.00
US Bank	14,168.68
West River Electric Association	27,861.15
Computer Bill List	<u>3,710,950.84</u>



Subtotal	\$6,674,159.09
Payroll Paid Ending 10-24-09, Paid 10-30-09	2,954.94
Payroll Paid Ending 11-07-09, Paid 11-13-09	2,889.77
Pioneer Bank & Trust, Taxes Paid 10-30-09	226.05
Pioneer Bank & Trust, Taxes Paid 11-13-09	221.06
SD Retirement System	484.11
City FO Rapid City Health Insurance	962.50
Ikon Financial Services	22.69
Knology	5.01
Metropolitan Life	6.42
Angie Weeks	69.36
 Total	 \$6,682,001.00

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

Motion was made by LaCroix, second by Costello, and carried to go into Executive Session at 9:30 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 9:57 P.M. with all members present.

**STAFF DIRECTION**

Motion was made by Hadcock, second by Weifenbach and carried authorize the Mayor and Finance Officer to sign a letter of engagement with Nooney Solay and Vannorman in regard to the Big Sky matter with the funding source as the unexpended funds in the Growth Management Department salary line item with the total amount not to exceed \$50,000.

Motion was made by Waugh, second by Costello and carried to direct the City Attorney to seek legal opinion from outside council in the personnel matter.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 9:59 P.M.

ATTEST:

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Finance Office

(SEAL)

CITY OF RAPID CITY

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Mayor