

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

October 19, 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, October 19, 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, Ron Kroeger and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, Assistant City Attorney Joel Landeen, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Fire Chief Mark Rohlving, Police Chief Steve Allender, Parks and Recreation Director Jerry Cole, Community Resource Director Kevin Thom, and Administrative Coordinator Amber Sitts.

**ADOPTION OF AGENDA**

The following items were added to the agenda:

- Consider Item 4 after Item 62

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

**APPROVE MINUTES**

Motion was made by LaCroix, second by Costello and carried to approve the minutes for October 5, 2009.

**AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran of the Month for October 2009 to Paul V. Miller and recognized his efforts and dedication to the service of his country and community.

**NON-PUBLIC HEARING ITEMS** -- Items 3 – 63

Motion was made by Olson, second by Costello and carried to open the public comment for Items 3 – 63. Ann Van Loan, Western Resources for Disabled Independence, thanked the Council and said they will start fundraising soon. Bruce Bakken also thanked the Council for their help.

Motion was made by Chapman, second by Olson and carried to close the public comment for Items 3 – 63.

**CONSENT ITEMS** – Items 3 – 49

The following items were removed from the Consent Items:

12. No. PW101309-07 – Authorize Staff to Advertise for Bids for Catron Boulevard/Highway 16B Sanitary Sewer Extension, Project No. SS09-1782 / CIP No. 50396. Estimated Cost of Project: \$950,000.00.

26. Request staff to review the existing ordinances relating to licensing of dogs and cats and to work with the Humane Society on making amendments to those ordinances.

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 (November 2, 2009)***

3. MG Oil Company DBA Happy Jacks Rushmore, 2201 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Ken Ben, Inc. DBA 8<sup>th</sup> Street Lounge, 2201 Mt. Rushmore Rd.

***Public Works Committee Consent Items***

5. Acknowledge the presentation on projects receiving funding from the Opportunity Capture Fund by Mayor Alan Hanks.
6. No. PW101309-01 – Approve Change Order No. 1F to Mainline Contracting, Inc. for the South Street Sanitary Sewer Extension, Project No. SS08-1775 / CIP No. 50755, for a decrease of \$3,533.17.
7. No. PW101309-02 – Approve Change Order No. 1F to Hills Materials Company for the Street Rehabilitation Project – Mahoney, Dakota Ridge, W. Omaha & Hall Street Areas, Project No. ST09-1799 / CIP No. 50549, for a decrease of \$10,111.16.
8. No. PW101309-03 – Approve Change Order No. 1F to Mainline Contracting, Inc. for the Elk Vale Road Sanitary Trunk Sewer Extension – Phase 2, Project No. SS08-1729 / CIP No. 50726, for a decrease of \$26,207.41.
9. No. PW101309-04 – Approve Change Order No. 1F to Simon Contractors of SD, Inc. for the Street Rehabilitation Project – Copperfield Drive Area, Project No. ST09-1798 / CIP No. 50549, for an increase of \$4,931.30.
10. No. PW101309-05 – Approve Change Order No. 1F to Mainline Contracting, Inc. for the Locust Street & Fairmont Boulevard Water Main Reconstruction, Project No. W09-1813 / CIP No. 50766, for an increase of \$173.15.
11. No. PW101309-06 – Authorize Staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations, Estimated Cost of Project: \$50,000.
13. No. PW101309-16 – Authorize Staff to Advertise for Bids for Snow Removal Operations for the City Parking Lots and Ramp, Estimated Cost of Project: \$30,000.00.
14. No. PW101309-08 – Authorize Mayor and Finance Officer to Sign an Amendment to Lease between the City of Rapid City and Jefferson Partners, L.P., dated April 1, 2008.
15. No. PW101309-09 – Authorize Mayor and Finance Officer to Sign a Funding Agreement between the City of Rapid City and the SD Department of Transportation for the St. Joseph Street Landscaping Project, Project No. ST09-1818 / CIP No. 50771, for reimbursement to the City up to \$250,000.00.
16. No. PW101309-10 – Authorize Mayor and Finance Officer to Sign an Agreement between the SD Department of Transportation and the City of Rapid City – Snowplowing Activities.

- 17. No. PW101309-11 – Authorize Mayor and Finance Officer to Sign a Memorandum of Understanding between the Pennington County Highway Department and the City of Rapid City – Exchange of Snow Routes.
- 18. No. PW101309-12 – Approve the recommendation to construct an ADA compliant crosswalk at the south side of Oakland Street across 5<sup>th</sup> Street with enhanced street lighting and sending this to the CIP Committee for funding.
- 19. No. PW101309-13 – Approve Resolution Establishing Time and Place for Hearing on Assessment Roll 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.
- 20. No. PW101309-14 – Authorize Staff to Purchase One 2010 Chevrolet Tahoe for Rapid Transit Support Vehicle from State Contract, #24745, from Beck Motors, Pierre, SD. Vehicle is budgeted item and will be paid for 100% from FTA. Cost of Vehicle: \$26,523.00.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL 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 Assessment Roll for Sewer Extension, Block 110 Original Townsite (East Boulevard, Kansas City to Quincy) Project No. SS08-1752 / CIP No. 50742 was filed in the Finance Office on the 19th day of October 2009. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 16th of November 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 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 21. No. 09VE016 - NWE Subdivision – Approve a request by Ferber Engineering Company, Inc. for South Dakota Game Fish and Parks to consider an application for a **Vacation of a Major Drainage Easement** on Lot 2 of NWE Subdivision located in the NW1/4 SW1/4 and the S1/2

NW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4130 Dean Lane.

RESOLUTION #2009-141  
RESOLUTION OF VACATION OF A PORTION OF A MAJOR DRAINAGE EASEMENT

WHEREAS it appears that a major drainage easement on Lot 2 of NWE Subdivision located in the NW1/4 SW1/4 and the S1/2 NW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4130 Dean Lane, is no longer needed; and

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

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

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 22. No. 09TP026 – Approve the Final 2010 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.
- 23. No. PW101309-15 – Authorize Bill Freytag to prepare an H-Lot located in a portion of Lot 1R of Block 1 of Tyler Knue Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and authorize acceptance of the deed.

**Legal & Finance Committee Consent Items**

- 24. No. LF101409-02 – Authorize Mayor and Finance Officer to sign Memorandum of Agreement between the City of Rapid City and Western Resources for dis-ABLED Independence.
- 25. Acknowledge the report by Mayor Hanks on projects receiving funding from the Opportunity Capture Fund.
- 27. Change the Legal and Finance Committee meeting scheduled for November 11, 2009, to November 10, 2009, following the Public Works Committee meeting.
- 28. No. LF093009-05 – Acknowledge the withdrawal of the Event Permit for Regional Health for free parking November 17, 2009.
- 29. No. LF101409-04 – Approve Travel Request for Ray Cornford to attend Training and Conference for CALEA Accreditation in Salt Lake City, UT, November 17-22, 2009, in the approximate amount of \$1,489.

- 30. No. LF101409-05 – Authorize staff to accept grant from South Dakota Hazardous Materials Emergency Preparedness for hazardous materials training equipment in the approximate amount of \$11,643.81.
- 31. Authorize staff to apply for the 2009 Fire Prevention and Safety Grant.
- 32. No. LF101409-06 – Approve Travel Request for Denise Rossum, Lori Culbertson-Clark, Sandy Dempsey, and Carol Siemonsma to Take National Academy of Ambulance Coding On-Line Course in the approximate amount of \$4,380.
- 33. No. LF101409-07 – Approve Travel Request for Growth Management staff Mary Bosworth, Project Engineer; Ted Johnson, Project Engineer; and Larry Noble, Sr., Engineering Tech; and Public Works staff Klare Schroeder, Project Engineer; Keith Johnson, Project Administrator; Todd Peckosh, Project Engineer; Louie Arguello, Project Administrator; Ed Klueber, Project Administrator; and Dennis Wilaby, Sr., Engineering Tech to attend the Full Course Erosion and Sediment Control Training on November 16-17, 2009 (travel dates 11/15/09-11/17/09) and for Public Works staff Mike Wilkening, Sr. Engineering Tech to attend the Erosion and Sediment Control Recertification on November 18, 2009 (travel dates 11/17/09-11/18/09) in Pierre, South Dakota in an estimated amount of \$3,907.24.
- 34. Acknowledge the following volunteers for workmen’s compensation purposes: Jason Fuentes, Olha Petrenko, Maha Albayayda, Forrest American Horse, Gian Laurenti, Ally Thompson.
- 35. No. LF101409-08 – Approve Resolution No. 2009-132 Declaring Property Surplus.

RESOLUTION #2009-132  
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:

Water Reclamation Division  
1,012 Bales of Hay

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 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 36. No. LF101409-10 – Authorize Mayor and Finance Officer to sign Amendment No. 1 to Agreement No. 713770 Between the South Dakota Department of Transportation and the City of Rapid City for Greenway Pedestrian and Bike Path Extension Project EM8052(59) PCN 010E.

37. No. LF101409-12 – Authorize Mayor and Finance Officer to sign Amended Agreement between City of Rapid City and Doeck, LLC for Completion of Subdivision Improvements.
38. No. LF101409-13 – Authorize Mayor and Finance Officer to sign Contract for Private Development Tax Increment District No. 67 between Doeck, LLC and the City of Rapid City.
39. No. LF101409-14 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and Walgar Development Corporation for Acceptance of Public Improvements before the Completion of Sidewalks.
40. No. LF101409-15 – Authorize Mayor and Finance Officer to sign Partial Release and Discharge of Agreement between Walgar Development Corp. and City of Rapid City.
41. No. LF101409-16 – Authorize Mayor and Finance Officer to sign Parking Agreement with Cabela's Wholesale, Inc.
42. No. LF101409-18 – Acknowledge raffle request from Western Dakota Tech Student Government Association.
43. No. LF101409-19 – Approve abatement for Swander's Restoration, LLC for 2008 in the amount of \$15,160.56.

## END OF CONSENT CALENDAR

Motion was made by Waugh, second by LaCroix, to (No. PW101309-07) Authorize Staff to Advertise for Bids for Catron Boulevard/Highway 16B Sanitary Sewer Extension, Project No. SS09-1782 / CIP No. 50396. Estimated Cost of Project: \$950,000.00. Responding to Hadcock, Ellis said the funds come from the waste water expansion fund, which have been programmed for a number of years. Motion carried.

Motion was made by Olson, second by Waugh, to approve the request for staff to review the existing ordinances relating to licensing of dogs and cats and to work with the Humane Society on making amendments to those ordinances. Martinson explained that there was discussion about changing fees, but we need to amend the ordinance in order to do that. Responding to Kooiker, Mayor Hanks indicated there is no time frame. Motion carried.

**CONTINUED CONSENT ITEMS** – Items 44 - 49***Continue the following items until November 2, 2009:***

44. No. 08PL131 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of

Concourse Drive along a curve to the left, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.

45. 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.
46. 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.
47. 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.

***Continue the following items until November 16, 2009:***

48. 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.

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

49. No. 09PL046 - A request by Todd Fenster for a **Layout Plat** on Lot 1 of Block 1 of Expressway Subdivision, located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted parcel located in the N1/2 N1/2 SW1/4, less Big Sky Subdivision, less F&N Subdivision, less Lot H1 and less right-of-way, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 1200 Elk Vale Road.

END OF CONTINUED CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 50 – 63

Motion was made by Waugh, second by LaCroix and carried to open the public comment for Items 50 – 63. No comments were offered.

Motion was made by Olson, second by LaCroix and carried to close the public comment for Items 50 – 63.

### ***Ordinances***

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** of 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. Motion was made by Olson, second by Chapman and carried that Ordinance 5551 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, November 2, 2009.

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** of 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. Motion was made by Olson, second by Chapman and carried that Ordinance 5552 be placed upon its first reading. Elkins clarified that this is for a change to the north piece of Royal Nielsen's property. The title was fully and distinctly read and second reading set for Monday, November 2, 2009.

Ordinance 5550 (No. LF101409-11) An Ordinance to Delegate Authority to Suspend Watering Restrictions to the Director of Public Works by Amending Section 13.04.600 of the Rapid City Municipal. Motion was made by Olson, second by Chapman and carried that Ordinance 5550 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, November 2, 2009.

Ordinance 5544 (No. LF093009-23) An Ordinance to Update Alcoholic Beverage Licensing Requirements to Reflect Changes in State Law by Amending Sections 5.12.030 and 5.12.060 of the Rapid City Municipal Code having passed its first reading on October 5, 2009; motion was made by Olson, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5544 was declared duly passed upon its second reading.

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

Motion was made by Olson, second by LaCroix and carried to approve (No. 09PL048) A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Tract 3 of Discovery Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 3 of Discovery Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1851 Discovery Circle with the following stipulations: 1. Upon Final Plat submission, the property owner's certificate on the mylar shall be corrected; 2. Upon Final Plat submission, copies of drainage easements recorded as miscellaneous documents shall be submitted for review and approval as needed; 3. Upon Final Plat submission, an exception to allow the conversion of the on-premise sign to an off-premise sign shall be approved or the sign shall be removed from the Balance of Tract 3; 4. Prior to City Council approval of the Preliminary Plat, a Storm Water Quality Management Plan shall be submitted for review and approval

for any required subdivision improvements; 5. Upon Final Plat submission, surety shall be posted for any required subdivision improvements that have not been completed and subdivision inspection fees shall be paid as required; 6. Prior to City Council approval of the Preliminary Plat, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 7. Prior to the City's acceptance of any required subdivision improvements, warranty surety shall be submitted for review and approval as required; 8. Prior to Planning Commission approval of the Preliminary Plat, a landscaping plan documenting compliance with all applicable provisions of the Rapid City Municipal Code shall be submitted for review and approval; 9. Prior to City Council approval of the Preliminary Plat, an agreement on the number of off-street parking spaces to be provided (including over size spaces) as well as addressing the use of the existing spaces, maintenance of the existing spaces and construction of the revised parking lot layout shall be approved by the City Council; 10. Prior to City Council approval of the Preliminary Plat, construction plans for the extension of sewer and water mains shall be submitted for review and approval, or a Subdivision Variance waiving the requirement for the extension of sewer and water mains in the proposed access and utility easement shall be granted and an exception to allow non-conforming water and sewer lines to cross an adjacent property shall be granted. 11. Prior to City Council approval of the Preliminary Plat, construction plans for the widening of Discovery Circle to a minimum of 26 foot wide paved surface and for the construction of sidewalks shall be submitted for review and approval, or a Variance to the Subdivision Regulations shall be obtained; 12. Upon submission of any additional platting of Tract 3 or of any Initial or Final Development Plan application, a Traffic Impact Study shall be submitted for review and approval; 13. Upon submission of any additional platting of the Balance of Tract 3 or of any Initial or Final Development Plan application, a Master Plan for the Balance of Tract 3 shall be submitted for review and approval; and, 14. Upon Final Plat submission, copies of the recorded easement for the access, utility and parking easement, the water line easement and the sewer line easement shall be submitted for review and approval.

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

Motion was made by Olson, second by Waugh, to (No. LF093009-20) Authorize the Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Soccer Rapid City. Landeen pointed out there is an updated version of the agreement on the Dias, and he reviewed the changes. It was confirmed by Olson and Waugh that the motion is for the amended version of the agreement on the Dias. Motion carried.

Motion was made by Olson, second by LaCroix, to (No. LF093009-19) Authorize the Mayor and Finance Officer to sign Tax Increment District Financing Developer's Agreement with Cabela's. Responding to Kooiker, Landeen explained that this does not transfer the property as a deed would need to be done first. He said now that the plat is approved the title can be transferred to the properties. Kooiker said that he believes the property was transferred effective the certification of the public vote and hopes property taxes are paid in arrears to that date. Hadcock suggested a summary of what we have done with this tax increment as it is hard to keep track of the changes. She wants to make sure the Council is not doing something they would not do for others, so she will not agree with some of this until she knows exactly what they are doing. Kooiker asked if there is a summary. Mayor Hanks said there are no changes to the TIF, and the only two line items are reimbursing the City for the donation of the land. Landeen said this is just developer's agreement and the improvement and funds spent is in the project plan which was approved in 2007. Responding to Weifenbach, Landeen explained that if there has not been a transfer of the property then he believes that they do not owe taxes until the actual deed transfer. These documents will facilitate getting the property transferred and not approving them at this time will only delay the transfer. In response to Hadcock, Mayor Hanks explained the reimbursement for the land. He said that \$500,000 would go to Economic Development for Economic Development purposes. Elkins explained that the payments will occur over the life of the TIF. Hadcock said we need to look closer at TIFs regarding the reorganization and where the money is going. Chapman pointed out that this is not a Cabela's TIF and said the citizens of Rapid City will be reimbursed for this. Motion carried.

Motion was made by Olson, second by LaCroix, to (No. LF093009-18) Authorize Mayor and Finance Officer to sign Agreement between the City and Rapid City Economic Development Foundation, Inc. Kooiker wanted to note that \$500,000 of the TIF goes to Economic Development and \$1.5 million goes to the opportunity capture fund. He said a transfer should have taken place when the County Auditor certified the vote. He hopes a letter has been sent as directed by Council and Cabela's will pay property tax in arrears back to September 2007. Motion carried.

Motion was made by Olson, second by Waugh, to approve (No. 09TI002) A request by FourFront Design, Inc. to consider an application for a **Second Revised Project Plan for Tax Increment District #47 - Tower Road** on Lot H1 of the SW1/4, Lot 1 of the SE1/4 SW1/4, the eastern most 402.4 feet of section line right-of-way in the SW1/4, all located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; the N1/2 SE1/4 less Walpole Heights Subdivision less Lot AB of the E1/2 SE1/4 and less Fairmont Boulevard dedicated right-of-way, Lots H1 and H2 of the SE1/4, Lots B and C of the SW1/4SE1/4, Lots A and B of the SE1/4 SE1/4, Lots H3, H4, H5, H6, H7 and H8 of the E1/2 SE1/4, and all of the section line right-of-way in the SE1/4 less that portion of section line right-of-way abandoned as recorded in Miscellaneous Book 54, Page 1976, all located in the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and Lot H2 of the W1/2 SW1/4 less Lot X of the W1/2SW1/4, Lot H4 of the W1/2 SW1/4, and that portion of a 60 foot dedicated public right-of-way located between Tract 3R and 4R of Arches Addition in the SW1/4, all located in the SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at Tower Road west of U.S. Highway 16. Weifenbach explained that he has not had time to understand this TIF, so he would like to continue the item or get a clear explanation. Responding to Olson, Elkins explained the cost reallocation proposal and said the committee has recommended approval. It was indicated that the total cost has not changed but there has been an adjustment to financing. Hadcock indicated she would be interested in knowing what the interest means to the citizens of Rapid City and the TIF. Responding to Kooiker, Elkins explained that this is a developer funded TIF, so all of the costs are theirs. She said they will be reimbursed a maximum of \$4,894,289.47. The only way that financing would not reach the numbers is if the rate over the life of the TIF is less or is paid off more quickly. If this happened, the costs would move to capital instead of interest, so the dollar amount would be more. Elkins indicated she is not concerned about this and anticipates a shortfall, which the developer is responsible for. Kooiker commented that his understanding was that the goal was to use a more reasonable rate instead of 9%, which was a windfall for the applicant. Elkins explained that the TIF originally had 9% and now the identified interest is 6.5% with a ceiling rate of 9%. The actual repayment will be based on New York prime plus 1%.

Substitute motion was made by Kooiker, second by Weifenbach, to continue the request to the November 2, 2009 City Council meeting. Weifenbach wanted to make sure the Council is doing what is right, and Hadcock said she would like to look closer at the information as well. Olson felt the subject had been adequately discussed, and Chapman asked that Council make an effort to learn the information prior to the next meeting. Olson stated that it is an unfair characterization to describe the developer as enjoying a windfall profit. Kooiker responded that it was an issue of 9% which was an arbitrary figure which could potentially result in a tremendous windfall for the applicants. He said he not singling out this TIF but all those involving 9%. Elkins suggested sending this item to the Legal and Finance committee to ensure all questions are answered.

Second substitute motion was made by LaCroix, second by Hadcock and carried to continue this item to the October 28, 2009 Legal and Finance committee meeting.

Motion was made by Olson, second by Costello, to (No. LF093009-15) Authorize the Mayor and Finance Officer to sign Memorandum of Understanding with the Pennington County Sheriff's Office Regarding IT. Chapman said he is for efficiencies between the City and County, but the Council had budget hearings and discussed not hiring FTEs. He said another way would be to have the County hire the employees,

and we will still get the same efficiencies. When the City does hire FTEs in the future, we can work with the County to bring those FTEs under the City umbrella.

Substitute motion was made by Chapman, second by Hadcock, that we do this but change the language to say the County will hire the FTEs and the City IT staff will supervise them. Responding to Hadcock, Thom explained that the \$79,279 is County tax dollars in a salaried line item that they would use to reimburse the City for the proposed one and a half FTE. He said discussions started when a County employee retired. He would advocate that all of the employees work for either the City or the County, but it will take time to do that. This proposal will turn one FTE into one and a half, and we will save \$10,000 in the process. Thom said it could work to have them as County employees, but from his perspective, it is not the most efficient way to make it work. Hadcock said leaving it as it is would be more cost effective at this time. Weifenbach said he thinks the overall idea is good and is more apt to support motion on the floor. He said the budget hearings are the time to have the FTE conversation and suggested getting together with the County to have a long-term goal discussion. LaCroix felt that it would be more efficient to have the employees under one umbrella. Mayor Hanks clarified that the motion would be to pass a resolution stating that the city is interested in the partnership if the employees remain County employees. Responding to Olson, Thom said a formal agreement may not be necessary if there are no dollars involved. They can continue on an informal basis, and the Sheriff can agree to have the City supervise the IT employees. Chapman indicated that the Council has not discussed the issue of having one IT department. He also clarified that his motion would not take things back to where they were because there are still one and a half FTEs that will be hired by the County. Weifenbach commented that the budget process is very serious and there is no synergy or cost savings loss if we do this the correct way. Our long-term goals will take place over time. He does not disagree but thinks there is a time and place for this discussion. It was indicated that the City currently has 12 IT staff members. Responding to Hadcock, Thom stated that adding the one and a half FTEs will gain some efficiency, and efficiency will be lost by not trying to get all employees under one umbrella. Hadcock said we have a good relationship with the County and it can continue as it is now. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, Chapman, Weifenbach, Kroeger, Hadcock; NO: LaCroix and Olson. Motion carried.

Motion was made by Olson, second by LaCroix, to (No. LF101409-09) Authorize Mayor and Finance Officer to sign Agreement for Professional Design Services with ARC International for Project PR09-6019, Rapid City Parks Restroom Renovation Project, at a cost not to exceed \$46,000. Cole gave a brief explanation of the project and listed the locations of the six restrooms. Olson said most significant thing is that the facilities will be ADA compliant. It was indicated that there is \$475,000 budgeted for this project. Weifenbach commented that the cost seems excessive and asked if someone within the City could do this. It was indicated that the City employs one engineer who can work with building, but he would not be able to get to it for approximately 18 months. Cole explained that the renovations would rebuild the inside of the restrooms to meet the ADA standards. Weifenbach said this project is something that does not need to be done right away so this is an opportunity to save money if we use an in-house engineer or contractor. Kooiker agreed that we need to find ways to do more work in-house and pointed out some of the costs in the contract. He is not convinced that due diligence was done. Cole confirmed that there was an RFP, and ARC was the only firm that turned in a proposal. Kooiker said the lack of competitiveness has created a higher cost and suggested doing another RFP.

Motion was made by Kooiker to go back out for RFP on this project. Motion died for lack of second. Hadcock pointed out that a new bathroom would cost about \$200,000, so \$72,000 per bathroom is a good price. LaCroix stated his support for moving forward. It was indicated that the bathrooms at Vickie Powers Park cost approximately \$137,000 and that this project has been planned since 2004. Weifenbach would like to see more synergy between City departments. Mayor Hanks pointed out this contract is about 33% less than usual City projects for design and construction observation, so he agreed that this contract is a fair price. Motion carried with one NO from Weifenbach.

**Bids**

The following companies submitted bids for (No. CC101909-02.1) PCC Pavement Repair Tamarack Drive, Minnesota Street & 7<sup>th</sup> Street, Project No. ST09-1816 / CIP No. 50545 opened October 13, 2009: Hills Materials Company, Simon Contractors of SD Inc., JV Bailey Company, KRM Concrete LLC, Tru-Form Construction, Stanley J. Johnsen Concrete Contractor Inc. and Scull Construction Service Inc. Staff reviewed the bids and recommends bid award to Tru-Form Construction. Motion was made by LaCroix, second by Chapman and carried to approve the bid award to the lowest responsible bidder, Tru-Form Construction, in the amount of \$166,725.00.

The following companies submitted bids for (No. CC101909-02.2) Rapid City Fire Department Fire Station 4 & 5 Siding Project opened October 13, 2009: Collins Companies, Sumner Contracting Inc., SECO Construction Inc., AAA Siding and Windows, Mehlhaff Construction, ML Exteriors and Christensen Construction. Staff reviewed the bids and recommends bid award to ML Exteriors Inc. Motion was made by LaCroix, second by Chapman and carried to approve the bid award to the lowest responsible bidder, ML Exteriors Inc., in the amount of \$26,071.00 for Stations 4 and 5 and alternates 1 and 2.

The following companies submitted bids for (No. CC100509-02.4) Rapid River Subdivision Sanitary Sewer Extension Project No. SS06-1587 / CIP No. 50653 opened September 29, 2009: Hills Material Company, Highmark Inc., Rapid Construction LLC, Quinn Construction Inc., RCS Construction Inc., Simon Contractors of SD Inc., and Mainline Contracting. Staff reviewed the bids and recommends bid award to Rapid Construction Company. Motion was made by LaCroix, second by Waugh and carried to approve the bid award to the lowest responsible bidder, Rapid Construction Company, in the amount of \$36,126.74.

**Council Items & Liaison Reports**

Alderman Chapman addressed Breast Cancer Awareness Month and pointed out some statistics. He asked the Mayor to consider a turn the City pink day next year. Hadcock, Weifenbach, Olson and Mayor Hanks all voiced there support for the cause as well.

**PUBLIC HEARING ITEMS** – Items 64 – 88

Motion was made by Costello, second by Chapman and carried to open the public comment for Items 64 – 88. Jackie Swanson addressed Item 68 and asked that the Council consider allowing her to remove the north area of the fence from the sight triangle. She requested to leave the other fence up but said they would fix it if requested.

**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 64 – 65

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

***Continue the following items until November 2, 2009:***

64. No. 08SV047 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of

Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.

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

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Chapman, second by Costello and carried to close the public comment for Items 64 - 88.

#### **CONSENT PUBLIC HEARING ITEMS** – Items 66 – 83

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

66. No. 09FV012 - Boulevard Addition – Deny a request by Bret Swanson to consider an application for a **Fence Height Exception to allow a six foot high fence in the 25 foot front yard setback** on the north 63 feet of Lots 16 thru 18 of Block 28 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1116 11th Street.
76. MG Oil Company DBA Rushmore Casino Too, 1808 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks West, 1925 W. Main Street #1
77. MG Oil Company DBA Happy Jacks I-90, 4036 Cheyenne Blvd, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from High Plains Securities Inc. DBA Cheyenne Casino, 4030 Cheyenne Blvd.

78. MG Oil Company DBA Happy Jacks Valley, 747 Timmons Blvd. Ste. B, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks Valley, 747 Timmons Blvd. Ste. B
79. MG Oil Company DBA Happy Jacks Too, 909 E. St. Patrick St. #21, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks Too, 909 E. St. Patrick Street #21
80. MG Oil Company DBA Happy Jacks East, 909 E. St. Patrick St. #20, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks East, 909 E. St. Patrick Street. #20
81. MG Oil Company DBA Happy Jacks Downtown, 713 Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks Downtown, 713 Omaha St.
82. MG Oil Company DBA Happy Jacks Cambell, 1601 Cambell St. #3, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from South Dakota Vending Inc. DBA Happy Jacks Cambell, 1601 Cambell St. #3
83. MG Oil Company DBA Happy Jacks Omaha, 1109 W. Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Omaha Players Company DBA Happy Jacks Omaha, 1109 W. Omaha St.

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

***Growth Management Items***

67. No. 09CA019 – Approve a request by Peter Neumann for Mills Drug, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to General Commercial** on Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E and Lots 4 thru 6 of Block 1 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 730 St. Cloud and 1424 Mount Rushmore Road.

RESOLUTION #2009 - 135  
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 19<sup>th</sup> day of October, 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 General Commercial, on Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E and Lots 4 thru 6 of Block 1 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Residential to General Commercial, on Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E and Lots 4 thru 6 of Block 1 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 68. No. 09CA020 - Approve a request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial to Public** on Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south and west of the intersection of Dean Lane and Sturgis Road.

RESOLUTION #2009 – 136  
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 19<sup>th</sup> day of October, 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 Public, on Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from General Commercial to Public, on Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 69. No. 09CA021 - Approve a request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on , legally described as Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all located in Meadowwood, the East Half of the adjacent North 40th Street right-of-way and the South Half of the adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeastern terminus of North 40th Street.

RESOLUTION #2009 - 137  
 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 19<sup>th</sup> day of October, 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 Low Density Residential to Public, on Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all located in Meadowwood, the East Half of the adjacent North 40th Street right-of-way and the South Half of the adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Public, on Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all located in Meadowwood, the East Half of the adjacent North 40th Street right-of-way and the South Half of the adjacent Dean Lane right-of-way located in the NE¼ SW¼ of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
 s/ James F. Preston  
 Finance Officer

CITY OF RAPID CITY  
 s/ Alan Hanks, Mayor

(SEAL)

- 70. No. 09CA022 - Approve a request by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public**

on a parcel of land located in the SE1/4 NW1/4, Section 33, T2N, R7E, BHM, more particularly described by metes and bounds commencing at the northeast corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,283.81, E-1,193,289.54; thence S36°16'34"E at a distance of 306.27 feet to a rebar and cap marked "Renner 2652"; thence S36°16'12"E at a distance of 29.75 feet to the center of the Dean Lane right-of-way; thence S53°30'28"W at a distance of 241.49 feet along the center of the Dean Lane right-of-way to a point of deflection; thence S86°44'35"W at a distance of 327.67 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°04'34"W at a distance of 133.91 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°03'13"W at a distance of 254.19 feet along the center of the Dean Lane right-of-way to its intersection with the center of the North 40th Street right-of-way; thence N01°42'42"E at a distance of 395.82 feet to a point, which is the southeast corner of Block 1 of Tract C of Meadowwood; thence N02°13'39"E at a distance of 183.88 feet to a found rebar and cap marked "Renner 2652"; thence N02°15'37"E at a distance of 20.16 feet to the center of the Knutson Lane right-of-way; thence S87°47'16"E at a distance of 424.31 feet along the center of the Knutson Lane right-of-way to a point of deflection; thence S03°04'55"W at a distance of 19.82 feet to a found rebar and cap marked "FMG 4225"; thence S02°23'18"W at a distance of 40.05 feet to a found rebar and cap marked "FMG 4225"; thence S35°16'41"E at a distance of 242.82 feet to a found 5/8" rebar; thence N53°40'47"E at a distance of 160.21 feet to the true point of beginning, located at 4130 Dean Lane.

RESOLUTION #2009 - 138  
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 19<sup>th</sup> day of October, 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 with a Planned Commercial Development to Public, on a parcel of land located in the SE1/4 NW1/4, Section 33, T2N, R7E, BHM, more particularly described by metes and bounds commencing at the northeast corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,283.81, E-1,193,289.54; thence S36°16'34"E at a distance of 306.27 feet to a rebar and cap marked "Renner 2652"; thence S36°16'12"E at a distance of 29.75 feet to the center of the Dean Lane right-of-way; thence S53°30'28"W at a distance of 241.49 feet along the center of the Dean Lane right-of-way to a point of deflection; thence S86°44'35"W at a distance of 327.67 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°04'34"W at a distance of 133.91 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°03'13"W at a distance of 254.19 feet along the center of the Dean Lane right-of-way to its intersection with the center of the North 40th Street right-of-way; thence N01°42'42"E at a distance of 395.82 feet to a point, which is the southeast corner of Block 1 of Tract C of Meadowwood; thence N02°13'39"E at a distance of 183.88 feet to a found rebar and cap marked "Renner 2652"; thence N02°15'37"E at a distance of 20.16 feet to the center of the Knutson Lane right-of-way; thence S87°47'16"E at a distance of 424.31 feet along the center of the Knutson Lane right-of-way to a point of deflection; thence S03°04'55"W at a distance of 19.82 feet to a found rebar and cap marked "FMG 4225"; thence S02°23'18"W at a distance of 40.05 feet to a found rebar and cap marked

“FMG 4225”; thence S35°16'41"E at a distance of 242.82 feet to a found 5/8" rebar; thence N53°40'47"E at a distance of 160.21 feet to the true point of beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public, on a parcel of land located in the SE1/4 NW1/4, Section 33, T2N, R7E, BHM, more particularly described by metes and bounds commencing at the northeast corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,283.81, E-1,193,289.54; thence S36°16'34"E at a distance of 306.27 feet to a rebar and cap marked "Renner 2652"; thence S36°16'12"E at a distance of 29.75 feet to the center of the Dean Lane right-of-way; thence S53°30'28"W at a distance of 241.49 feet along the center of the Dean Lane right-of-way to a point of deflection; thence S86°44'35"W at a distance of 327.67 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°04'34"W at a distance of 133.91 feet along the center of the Dean Lane right-of-way to a point of deflection; thence N88°03'13"W at a distance of 254.19 feet along the center of the Dean Lane right-of-way to its intersection with the center of the North 40th Street right-of-way; thence N01°42'42"E at a distance of 395.82 feet to a point, which is the southeast corner of Block 1 of Tract C of Meadowwood; thence N02°13'39"E at a distance of 183.88 feet to a found rebar and cap marked "Renner 2652"; thence N02°15'37"E at a distance of 20.16 feet to the center of the Knutson Lane right-of-way; thence S87°47'16"E at a distance of 424.31 feet along the center of the Knutson Lane right-of-way to a point of deflection; thence S03°04'55"W at a distance of 19.82 feet to a found rebar and cap marked "FMG 4225"; thence S02°23'18"W at a distance of 40.05 feet to a found rebar and cap marked "FMG 4225"; thence S35°16'41"E at a distance of 242.82 feet to a found 5/8" rebar; thence N53°40'47"E at a distance of 160.21 feet to the true point of beginning as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

71. No. 09CA023 - Approve a request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Public** on a parcel of land located in SE¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,277.83, E-1,192,087.69; thence S87°54'32"E at a distance of 503.66 feet to a point of deflection, which is the southeast corner of Lot 8 of Tract B of Meadowwood; thence S01°42'42"W at a distance of 395.82 feet to the intersection of the centers of the Dean Lane and North 40th Street rights-of-way; thence S01°58'09"W at a distance of 59.38 feet along the center of the North 40th Street right-of-way to a point of deflection; thence N88°15'08"W at a distance of 30.05 feet to a found rebar and cap marked "FMG 4225"; thence N87°45'28"W at a distance of 478.15 feet to a point of deflection; thence N88°01'50"W at a distance of 23.28 feet to the center of the Meadowwood Drive right-of-way; thence N02°07'57"E at a distance of 454.27 feet along

the center of Meadowwood Drive right-of-way to a point of deflection; thence S87°39'05"E at a distance of 24.74 feet to the true point of beginning, located at 4130 Dean Lane.

RESOLUTION #2009 - 139  
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 19<sup>th</sup> day of October, 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 Office Commercial with a Planned Commercial Development to Public, on a parcel of land located in SE¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,277.83, E-1,192,087.69; thence S87°54'32"E at a distance of 503.66 feet to a point of deflection, which is the southeast corner of Lot 8 of Tract B of Meadowwood; thence S01°42'42"W at a distance of 395.82 feet to the intersection of the centers of the Dean Lane and North 40th Street rights-of-way; thence S01°58'09"W at a distance of 59.38 feet along the center of the North 40th Street right-of-way to a point of deflection; thence N88°15'08"W at a distance of 30.05 feet to a found rebar and cap marked "FMG 4225"; thence N87°45'28"W at a distance of 478.15 feet to a point of deflection; thence N88°01'50"W at a distance of 23.28 feet to the center of the Meadowwood Drive right-of-way; thence N02°07'57"E at a distance of 454.27 feet along the center of Meadowwood Drive right-of-way to a point of deflection; thence S87°39'05"E at a distance of 24.74 feet to the true point of beginning; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to Public, on a parcel of land located in SE¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of NWE Subdivision a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,277.83, E-1,192,087.69; thence S87°54'32"E at a distance of 503.66 feet to a point of deflection, which is the southeast corner of Lot 8 of Tract B of Meadowwood; thence S01°42'42"W at a distance of 395.82 feet to the intersection of the centers of the Dean Lane and North 40th Street rights-of-way; thence S01°58'09"W at a distance of 59.38 feet along the center of the North 40th Street right-of-way to a point of deflection; thence N88°15'08"W at a distance of 30.05 feet to a found rebar and cap marked "FMG 4225"; thence N87°45'28"W at a distance of 478.15 feet to a point of deflection; thence N88°01'50"W at a distance of 23.28 feet to the center of the Meadowwood Drive right-of-way; thence N02°07'57"E at a distance of 454.27 feet along the center of Meadowwood Drive right-of-way to a point of deflection; thence S87°39'05"E at a distance of 24.74 feet to the true point of beginning as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

72. No. 09CA024 - Approve a request by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Public** on , legally described as A parcel of land located in SW¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: COMMENCING at the northwest corner of Lot 2 of GFP Subdivision at a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the TRUE POINT OF BEGINNING, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; THENCE S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; THENCE S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; THENCE along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; THENCE S87°41'57"E at a distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; THENCE S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE N87°43'42"W at a distance of 16.35 feet to a found bolt; THENCE N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; THENCE N87°57'50"W at a distance of 402.44 feet to a point of deflection; THENCE N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; THENCE N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; THENCE N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; THENCE N02°16'28"E at a distance of 549.71 feet to the TRUE POINT OF BEGINNING, located at 603 and 620 North 44th Street.

RESOLUTION #2009 - 140  
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 19<sup>th</sup> day of October, 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 Low Density Residential to Public, on a parcel of land located in SW¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: COMMENCING at the northwest corner of Lot 2 of GFP Subdivision at a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the TRUE POINT OF BEGINNING, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; THENCE S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; THENCE S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; THENCE along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; THENCE S87°41'57"E at a

distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; THENCE S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE N87°43'42"W at a distance of 16.35 feet to a found bolt; THENCE N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; THENCE N87°57'50"W at a distance of 402.44 feet to a point of deflection; THENCE N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; THENCE N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; THENCE N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; THENCE N02°16'28"E at a distance of 549.71 feet to the TRUE POINT OF BEGINNING; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Public, on a parcel of land located in SW¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: COMMENCING at the northwest corner of Lot 2 of GFP Subdivision at a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the TRUE POINT OF BEGINNING, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; THENCE S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; THENCE S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; THENCE along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; THENCE S87°41'57"E at a distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; THENCE S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; THENCE N87°43'42"W at a distance of 16.35 feet to a found bolt; THENCE N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; THENCE N87°57'50"W at a distance of 402.44 feet to a point of deflection; THENCE N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; THENCE N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; THENCE N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; THENCE N02°16'28"E at a distance of 549.71 feet to the TRUE POINT OF BEGINNING as attached to the original hereof be filed with the City Finance Office

Dated this 19th day of October, 2009.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

### **Alcohol Licenses**

73. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Malt Beverage License (No Video Lottery) *(Continued from September 21 and October 5, 2009 City Council)*

74. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Wine License  
(Continued from September 21 and October 5, 2009 City Council)
75. Lester and Webb LLC DBA South City Tavern, 640 E St. Patrick St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery

#### END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Costello, second by Kooiker, to approve (No. 09FV012) a request by Bret Swanson to consider an application for a **Fence Height Exception to allow a six foot high fence in the 25 foot front yard setback** on the north 63 feet of Lots 16 thru 18 of Block 28 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1116 11th Street with stipulation that sight triangles are met. Elkins explained where the sight triangles are on the property. She said an exception would need to be submitted through a separate process to allow the fence in those areas but cautioned an exception due to liability. Olson said she thought it was a problem to have the fence in the front yard. It was indicated that if the fence was lowered it would be legal but still not allowed in the sight triangle. Responding to Olson, Elkins briefly discussed the option for chain link. Chapman suggested that fence requirements are posted at places people buy supplies. Upon roll call vote, the following voted AYE: Kooiker, Costello and Kroeger; NO: Martinson, LaCroix, Chapman, Olson, Weifenbach, Hadcock and Waugh. Motion failed.

Motion was made by Olson, second by Martinson to approve the denial of the fence height exception request. Responding to Hadcock, Elkins indicated that the most important concern is protecting the sight triangle and safety. Hadcock stated that she does not see a solution and indicated her concern for safety. Costello said it would make sense to allow the fence on the south side as long as it is out of the sight triangle. Chapman asked the applicants if the original motion would be acceptable to them, and they agreed. Olson withdrew her motion and Martinson agreed.

Motion was made by Chapman, second by Weifenbach, to reconsider the vote for the original motion. Motion carried with one NO from Waugh.

The original motion to approve the fence height exception with the stipulation that the sight triangles are met is on the floor. Olson stated that this fence is still problematic, and she is not in support. Hadcock also indicated that she is not in favor as it does not make sense. Elkins suggested not allowing the fence on the front property line.

Amendment motion was made by Hadcock and seconded to not allow a fence along the west property line within the 25 foot front yard set back. Motion carried with one NO from Waugh.

Substitute motion was made by Hadcock, second by Costello, to approve the fence height exception to allow the fence as long as it is located outside the sight triangles along the north property line and south property line, and the fence is not allowed on the west side of the property within the 25 foot front yard set back. Mayor Hanks clarified that they would not be able to angle the fence toward the front sidewalk. Chapman asked who regulates this request, and Elkins said that staff will follow up or meet with them on site. Upon roll call vote, the following voted AYE: Kooiker, Costello, LaCroix, Chapman, Weifenbach, Kroeger, Hadcock and Martinson; NO: Olson and Waugh. Motion carried.

Motion was made by Olson, second by Chapman, to approve Items 76 – 83. Motion carried with LaCroix abstaining.

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 84 – 88

Ordinance 5545 (No. 09RZ037) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Peter Neumann for Mills Drug, Inc. for a **Rezoning from Medium Density Residential District to General Commercial District** of Lots 17 thru 18 of Block 15 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 730 St. Cloud having passed its first reading on October 5, 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 this does not involve a planned development designation. She pointed out that the surrounding property is General Commercial with no planned development and said staff felt it was not necessary in this case. She also said there are requirements for screening. Elkins said they are anticipating information on the Mt. Rushmore Road study and they will then schedule a public meeting before it continues through the process. Weifenbach indicated that he is hoping property owners will look at the same alternatives to make their property look better. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5545 was declared duly passed upon its second reading.

Ordinance 5546 (No. 09RZ038) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks for a **Rezoning from General Commercial District to Public District** on Block 2 of Tract G of Meadowwood and the South Half of adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south and west of the intersection of Dean Lane and Sturgis Road having passed its first reading on October 5, 2009; motion was made by Olson, second by LaCroix, that the title be read the second time with the stipulation that it is approved subject to approval of the related Amendment to the Adopted Comprehensive Plan. Elkins pointed out the public concern regarding a fence around the property. Olson said this is associated with the west campus of education by Game Fish and Parks and said this is a good improvement. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5546 was declared duly passed upon its second reading.

Ordinance 5547 (No. 09RZ039) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Ferber Engineering Co., Inc. for South Dakota Game Fish and Parks for a **Rezoning from Low Density Residential District to Public District** on Lots 1-2 of Block 1 of Tract G, Lots 3-4 Block 1 of Tract G, Lots 5-6 & 9 of Block 1 of Tract G, the North 30 feet of West 100 feet of Lot 7 and East 124 feet of Lot 7-8, all of Meadowwood, the east half of the adjacent North 40th Street right-of-way and the south half of the adjacent Dean Lane right-of-way located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeastern terminus of North 40th Street having passed its first reading on October 5, 2009; motion was made by Olson, second by Waugh, that the title be read the second time with the stipulation that it is approved subject to approval of the related Amendment to the Adopted Comprehensive Plan. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5547 was declared duly passed upon its second reading.

Ordinance 5548 (No. 09RZ040) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks for a **Rezoning from Mining and Earth Resources Extraction District to Public District** on Lot 2 of NWE Subdivision, the South Half of adjacent Knutson Lane right-of-way, the North Half of adjacent Dean Lane right-of-way, the West Half of adjacent North 40th Street right-of-way and the East Half of Adjacent Meadowwood Drive right-of-way, located in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Knutson Lane and Sturgis Road having passed its first reading on October 5, 2009; motion was made by Olson, second by Waugh that the title be read the second time with the stipulation

that it is approved subject to approval of the related Amendment to the Adopted Comprehensive Plan. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5548 was declared duly passed upon its second reading.

Ordinance 5549 (No. 09RZ041) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Ferber Engineering Co, Inc. for South Dakota Game Fish and Parks for a **Rezoning from Low Density Residential District to Public District** on a parcel of land located in SW¼ NW¼, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more particularly described by metes and bounds commencing at the northwest corner of Lot 2 of GFP Subdivision, a found 5/8" rebar with cap marked "FMG Inc. LS SD 6119", the true point of beginning, with SD State Plane Coordinates, South Zone, NAD83, N-654,463.48, E-1,191,278.17; thence S87°51'26"E at a distance of 258.44 feet to the northeast corner of said Lot 2 of GFP Subdivision; thence S34°43'35"E at a distance of 50.02 feet to the center of the North 44th Street right-of-way; thence along an arc of curve to the right having a radius of 549.84 feet, a length of 354.69 feet and a chord direction of N73°44'46"E to the point of tangency; thence S87°41'57"E at a distance of 171.79 feet to the intersection of the centers of North 44th Street and Meadowwood Drive rights-of-way; thence S02°06'11"W at a distance of 224.69 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence S02°07'57"W at a distance of 454.27 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence S01°28'49"W at a distance of 329.04 feet along the center of the Meadowwood Drive right-of-way to a point of deflection; thence N87°43'42"W at a distance of 16.35 feet to a found bolt; thence N88°29'57"W at a distance of 9.62 feet to a found rebar and cap marked "FMG Inc. LS SD 6119"; thence N87°57'50"W at a distance of 402.44 feet to a point of deflection; thence N02°06'56"E at a distance of 129.73 feet to a found 3/8" rebar; thence N02°20'47"E at a distance of 260.27 feet to a found 1" pipe; thence N87°55'23"W at a distance of 368.75 feet to a found rebar and cap marked "FMG Inc. LS SD 6119", which is the W1/4 of Section 33; thence N02°16'28"E at a distance of 549.71 feet to the true point of beginning, located at 603 and 620 North 44th Street having passed its first reading on October 5, 2009; motion was made by Olson, second by LaCroix, that the title be read the second time with the stipulation that it is approved subject to approval of the related Amendment to the Adopted Comprehensive Plan. The following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger, and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5549 was declared duly passed upon its second reading.

**BILLS**

The following bills have been audited:

SD Retirement System, Paid 10/1/2009	375,833.82
SD Retirement System, Paid 10/1/2009	431.14
First Administrators, Paid 10/6/2009	173,087.93
First Administrators, Paid 10/14/2009	91,639.57
Berkley Risk Administrators, Paid 10/2/2009	42,189.45
Black Hills Electric Cooperative, Paid 10/13/2009	835.09
Black Hills Power and Light, Paid 10/13/2009	60,327.68
First National Bank Sioux Falls, Paid 10/15/2009	317,602.73
Montana Dakota Utilities, Paid 10/13/2009	324.48
US Bank, Paid 10/1/2009	21,431.68
West River Electric Association, Paid 10/13/2009	18,780.55
Computer Bill List	4,551,684.72
Subtotal	\$5,654,168.84
SD Retirement System, Paid 10/1/2009	322.74

City of Rapid City, Health Insurance	962.50
City of Rapid City, Postage	2.67
Dale’s Tire and Retreading	345.80
Ikon Financial Services	18.34
Knology	6.73
Metropolitan Life	6.42
 Total	 \$5,655,834.04

Preston requested to add payments to Mainline Contracting for the South Street Sanitary Sewer Extension in the amount of \$1,899.99 and the Locust Street and Fairmont Boulevard Water Main Reconstruction in the amount of \$2,828.15. The new Bill List total is \$5,660,562.18. Motion was made by LaCroix, second by Chapman and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

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

Motion was made by LaCroix, second by Waugh, and carried to go into Executive Session at 9:42 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 9:59 P.M. with all members present. No staff direction was given.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 10:00 P.M.

ATTEST:

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

(SEAL)

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor