

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 19, 2010

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, April 19, 2010 at 7:00 P.M.

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

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, Assistant Director Growth Management Bob Dominicak, and Administrative Coordinator Amber Sitts.

AWARDS AND RECOGNITIONS

Gerard Baker briefly spoke about the Year of Unity and challenged the Mayor and Council to discuss it each time they meet. Mayor Hanks then presented a proclamation declaring 2010 as the Year of Unity. Tim Giago spoke about the Year of Reconciliation, Year of Unity and the creation of Native American Day, and Lloyd LaCroix briefly talked about the separation in the city in the past and pointed out that there have been great accomplishments in the community since then.

Mayor Hanks presented the Veteran of the Month for April 2010 to David Van Cleave and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented a Certificate of Recognition to the following City employees and acknowledged their dedicated service to the Rapid City community: Sharlene Mitchell, Growth Management, 20 years; and Terry Krause, Fire Department, 29 years.

ADOPTION OF AGENDA

Motion was made by Chapman, second by LaCroix and carried to adopt the agenda.

APPROVE MINUTES

Motion was made by Chapman, second by LaCroix and carried to approve the minutes from April 5, 2010.

NON-PUBLIC HEARING ITEMS -- Items 3 – 68A

Motion was made by Olson, second by LaCroix and carried to open the public comment for items 3 – 49. No comments were offered.

Motion was made by Olson, second by LaCroix and carried to close the public comment for items 3 – 49.

CONSENT ITEMS – Items 3 – 39

The following items were removed from the Consent Items:

7. Acknowledge the report on the Review of Council Notification Procedures.
33. No. LF041410-16 – Authorize Mayor and Finance Officer to sign Agreement with Kenneth L. Kirkeby for Real Estate Broker Services.

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

Public Works Committee Consent Items

3. Acknowledge and adopt the 2020 Strategic Plan: A Clear Vision for Rapid City's Future.
4. Direct staff to install gates, bollards, and rock within the Thrush Drive right-of-way.
5. Acknowledge the report on the Status of Street Design Criteria Manual.
6. No. PW041310-01 – Acknowledge the report on the Black Hills Power Rate Increase.
8. Refer TIF Amendments and Interest Rates to the April 27, 2010, Tax Increment Financing Guidelines Review Committee.
9. No. PW041310-02 – Approve Change Order No. 3 to Rangel Construction Co. LLC for Fire Station No. 7, Project No. FD08-1767, for an increase of \$2,497.93.
10. No. PW041310-03 – Authorize Staff to Advertise for Bids for the Knollwood Drainage Outfall Elements 2 & 20, Project No. DR04-1390 / CIP No. 50312. Estimated cost: \$2,160,000.00.
11. No. PW041310-04 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with Dream Design International, Inc. for Heights Drive Sanitary Sewer Extension, Project No. SS09-1831 / CIP No. 50777, in the amount of \$30,630.00.
12. No. PW041310-05 – Authorize Staff to submit grant application (amendment) to the Federal Transit Administration for operating assistance for the balance of CY 2010.

Legal & Finance Committee Consent Items

13. No. LF041410-02 – Approve request by Destination Rapid City of two locations (Second and Main and Ninth and St. Joe) for information kiosks in the downtown area.
14. Acknowledge update on the 2020 Strategic Plan: A Clear Vision for Rapid City's Future.
15. LF033110-23A – Confirm appointment of Brendan Casey, Stephanie Casey, Cody Champion, Marc Feliz, Barry Hjort, Jim Jackson, Thomas Katus, Lisa Modrick, Russell Oubre, Rod Pettigrew, and Lysann Zeller to the Ad Hoc Billboard Task Force.
16. Acknowledge the report regarding the evaluation of the reorganization of second floor.
17. No. LF041410-03 – Acknowledge Capital Improvements Program Committee monthly update for March 2010.
18. No. LF041410-04 – Approve the Capital Plan for Streets, Drainage and MIP Projects.

- 19. No. LF041410-05 – Approve carry forward of the following funds for 2009 Government Buildings: Roof Replacement Projects \$333,000.00, VIC Sidewalk and Patio Replacement \$15,000.00, ADA Upgrade for Restrooms CSAC \$21,000.00, Audio Visual Upgrades in Council Chambers \$63,982.77, PETT FF&E \$74,831.41, Library ILS System \$95,000.00 and Virtualization Phase III/DOT Fiber Project \$59,000.00.
- 20. Approve the reallocation of funds from Server Virtualization Phase 3 back to the Audio Visual Project (\$59,000.00 - \$8,745.68).
- 21. No. LF041410-06 – Approve 2009 carry forward funds for Parks and Recreation CIP line item totaling \$1,312,781.17.
- 22. No. LF041410-07 – Approve the Five Year Plan for Parks and Recreation CIP Fund.
- 23. No. LF041410-21 – Approve the following appointments to the 2012 Phase 4 Citizen Committees: Municipal Infrastructure: Scott Amos, Eric L. James, Richard Leir, Linda Rabe, Heather Smith, Sam Kooiker, Aaron Costello, and Ron Kroeger (alternates: Jon Johnson and Michael O'Connor; facilitator: Lloyd LaCroix); Economic Development: Dale Boydston, Cody Champion, Gary Drews, John Lofberg, Suzanne Wilson, Karen Gundersen Olson, Patti Martinson, and Malcom Chapman (alternates: Mel Dreyer and Matt Norman; facilitator: Lloyd LaCroix); Civic Improvement: Linda Anderson, Vesta Wells Johnson, Margaret Skillman, Charles K. (Ken) Staley, Gladys Storm, Ron Weifenbach, Deb Hadcock, and Bill Waugh (alternates: Marli Erickson and Kathleen Mayes; facilitator: Lloyd LaCroix).
- 24. No. LF041410-08 – Approve Event Permit for American Cancer Society to hold Paint the Town Purple on June 3, 2010, at 3:00 p.m.
- 25. No. LF041410-09 – Authorize Mayor and Finance Officer to sign Agreement between Ellsworth Air Force Base Fire Department and the Rapid City Fire Department for Mutual Aid in Fire Protection and Hazardous Materials Incidents Response.
- 26. No. LF041410-10 – Approve Resolution No. 2010-040 Writing Off Uncollectable Ambulance Billing Accounts.

RESOLUTION 2010-040
RESOLUTION WRITING OFF UNCOLLECTABLE AMBULANCE BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain ambulance billing accounts, shown on Appendix A, attached, and totaling \$59,479.89 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 19th day of April, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 27. No. LF041410-11 - Authorize the Growth Management Director to sign the 2010-2011 Certified Local Government Grant Application in the amount of \$10,000.
- 28. No. 10TP015 – Authorize Mayor and Finance Officer to sign the Time Extension of the 2009 Agreement between the City of Rapid City and the City of Box Elder for Accomplishing the Rapid City Area Transportation Planning Process.
- 29. No. 10TP016 – Authorize Mayor and Finance Officer to sign the Time Extension of the 2009 Agreement between the City of Rapid City and Meade County for Accomplishing the Rapid City Area Transportation Planning Process.
- 30. Acknowledge the following volunteers for workmen’s compensation purposes: Chloe Murphy. Second by Weifenbach.
- 31. No. LF041410-14 – Approve Resolution No. 2010-046 Declaring Property Surplus.

RESOLUTION #2010-046
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:

Attorney

To be sold at the city auction.

Gateway Solo Laptop; System #0453; Serial #B2509478180; Fixed Asset #15695

Mayor’s Office

To be sold at the city auction

Sony Vaio Laptop; PCG-4FIL; VGN-TX670P

No hard drive

To be sold at the city auction

Gateway computer tower; SN: 0026049303; Inventory #50561

Police

3 motorcycle covers

5 half shell motorcycle helmets

4 pair motorcycle boots

1 light box off Electra Glide Motorcycle

2 sets LED lights off Crash guards

3 PVP Radio systems:

3 headsets

3 corded microphones with charges

3 motorcycle receivers

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 April, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

32. No. LF041410-15 – Authorize Mayor and Finance Officer to sign Addendum to Memorandum of Agreement between the City of Rapid City and Destination Rapid City.
34. No. LF041410-17 – Acknowledge report regarding professional service contracts entered into in the first quarter of 2010 under \$25,000.
35. No. LF041410-18 – Acknowledge raffle request from Western Dakota Tech.
36. No. LF041410-20 – Acknowledge raffle request from Chamber of Commerce.
37. No. LF041410-22 – Acknowledge raffle request from South Dakota Dental Foundation.
38. No. LF041410-19 – Approve property tax abatement for First Evangelical Free Church of Rapid City for 2009 in the amount of \$17,275.08.

Growth Management Department Consent Items

39. No. 10PL007 – Acknowledge withdrawal of a request by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Layout Plat** on Lots 1 thru 4 of Block 4 and Out lots 1 and 11 of Block 4 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 2 of Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and a portion of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 1 of Block 3 of Black Hills Center, common to a point on the southerly boundary of Lot 18 of Block 4 of Eastridge Estates Subdivision, and the point of beginning; Thence first course: S89°51'59"E, along the southerly boundary of said Lot 18 of Block 4, a distance of 21.44 feet, to the southeasterly corner of said Lot 18 of Block 4, common to the southwesterly corner of Lot 19 of Block 4 of Eastridge Estates Subdivision; Thence second course: S89°36'10"E, along the southerly boundary of said Lot 19 of Block 4, a distance of 74.99 feet, to the southeasterly corner of said Lot 19 of Block 4, common to the southwesterly corner of Lot 20 of Block 4 of Eastridge Estates Subdivision; Thence third course: S89°40'39"E, along the southerly boundary of said Lot 20 of Block 4, a distance of 147.46 feet, to the southeasterly corner of said Lot 20 of Block 4, common to the southwesterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision; Thence fourth course: S89°40'11"E, along the southerly boundary of said Lot 21 of Block 4, a distance of 29.5 feet, to the southeasterly corner of said Lot 21 of Block 4, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza; Thence fifth course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 367.85 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence sixth course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence seventh course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence eighth course: S72°01'35"E, along the southerly boundary of said

Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence ninth course: N17°47'24"E, along the easterly boundary of said Lot 2 of Block 2, a distance of 29.78 feet, to a corner on the easterly boundary of said Lot 2 of Block 2, common to the southwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza; Thence tenth course: S73°48'28"E, along the southerly boundary of said Lot 1 of Block 2, a distance of 459.73 feet, to the southeasterly corner of said Lot 1 of Block 2; Thence eleventh course: N38°50'34"E, along the easterly boundary of said Lot 1 of Block 2, a distance of 222.04 feet, to the northeasterly corner of said Lot 1 of Block 2, common to a point on the westerly edge of Fifth Street right-of-way; Thence twelfth course: S62°29'05"E, along the westerly edge of said Fifth Street right-of-way, a distance of 134.83 feet; Thence thirteenth course: curving to the right, along the westerly edge of said Fifth Street right-of-way, on a curve with a radius of 909.00 feet, a delta angle of 14°12'45", a length of 225.48 feet, a chord bearing of S55°23'16"E, and chord distance of 224.91 feet; Thence fourteenth course: S42°58'26"W, along the westerly edge of said Fifth Street right-of-way, a distance of 12.00 feet; Thence fifteenth course: curving to the right, along the westerly edge of said Fifth Street right-of-way, on a curve with a radius of 897.00 feet, a delta angle of 33°48'02", a length of 529.17 feet, a chord bearing of S31°23'49"E, and chord distance of 521.53 feet, to a point on the northerly edge of Stumer Road right-of-way; Thence sixteenth course: S78°50'25"W, along the northerly edge of said Stumer Road right-of-way, a distance of 27.69 feet; Thence seventeenth course: S11°17'34"E, along the northerly edge of said Stumer Road right-of-way, a distance of 19.61 feet; Thence eighteenth course: S78°40'30"W, along the northerly edge of said Stumer Road right-of-way, a distance of 268.21 feet; Thence nineteenth course: curving to the left, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 430.50 feet, a delta angle of 31°38'12", a length of 237.71 feet, a chord bearing of S62°53'56"W, and chord distance of 234.70 feet; Thence twentieth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 43°15'37", a length of 278.99 feet, a chord bearing of S68°41'45"W, and chord distance of 272.41 feet; Thence twenty-first course: N89°40'48"W, along the northerly edge of said Stumer Road right-of-way, a distance of 730.69 feet; Thence twenty-second course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 30°00'39", a length of 193.54 feet, a chord bearing of N74°39'10"W, and chord distance of 191.33 feet; Thence twenty-third: N59°42'02"W, along the northerly edge of said Stumer Road right-of-way, a distance of 434.65 feet; Thence twenty-fourth course: N59°37'19"W, along the northerly edge of said Stumer Road right-of-way, a distance of 190.11 feet; Thence twenty-fifth course: N61°06'58"W, along the northerly edge of said Stumer Road right-of-way, a distance of 179.95 feet; Thence twenty-sixth course: N59°37'27"W, along the northerly edge of said Stumer Road right-of-way, a distance of 26.58 feet, to the southeasterly corner of said Lot 1 of Block 3; Thence twenty-seventh course: N30°17'20"E, along the easterly boundary of said Lot 1 of Block 3, a distance of 329.68 feet, to a corner on the easterly boundary of said Lot 1 of Block 3; Thence twenty-eighth course: N00°10'07"E, along the easterly boundary of said Lot 1 of Block 3, a distance of 190.19 feet, to the northeasterly corner of said Lot 1 of Block 3 and the point of beginning, located northwest of the intersection of Fifth Street and Stumer Road.

END OF CONSENT CALENDAR

Motion was made by Kooiker, second by LaCroix, to Acknowledge the report on the Review of Council Notification Procedures.

Substitute motion was made by Waugh, second by Martinson, and carried to continue to the April 28, 2010 Legal and Finance Committee meeting to come up with a resolution on the notification procedure.

Motion was made by Olson, second by Chapman to (No. LF041410-16) Authorize Mayor and Finance Officer to sign Agreement with Kenneth L. Kirkeby for Real Estate Broker Services. Kroeger wanted to

acknowledge that he is abstaining from this item. Responding to Kooiker, Green indicated the list price is yet to be determined. The broker will make a recommendation and Council will make the decision, which needs to be done within 60 days of approval of the agreement by the Council. He also clarified that the freeholders previously established a value for the platted portion, which is a small part of the entire parcel. Green also confirmed that the Council would not be prohibited from setting aside a portion of the property for a fire station by signing the agreement and explained that part of the agreement with the broker is that he make recommendations as to how to subdivide the property to maximize the value to the taxpayers. The commission rate was briefly discussed indicating it is at 5% which is less than the standard rate. Mayor Hanks said Mr. Kirkeby will do a CMA and return with a proposed price. Motion carried with Alderman Kroeger abstaining.

CONTINUED CONSENT ITEMS – Items 40 – 49

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

Continue the following items until May 3, 2010:

40. 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.
41. 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.
42. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillside Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillside Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.
43. No. 09PL074 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Preliminary Plat** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.
44. No. 09PL086 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located at 5703 and 5707 Pioneer Circle.

45. No. 10PL011 - A request by Doug Noyes for a **Preliminary Plat** on Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street.
46. No. 10PL012 - A request by Renner & Associates for Randy Ruthford for a **Layout Plat** on Lot A of Lot 24 of Acre Tract and Lot 3R of Block 6 of Pleasant Valley Subdivision, located in the SW1/4 of the SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the W1/2 of Lot 24 of Acre Tract and Lot 3 of Block 6 of Pleasant Valley Subdivision, located in the SW1/4 of the SW1/4, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 204 South Canyon Road and 213 Philip Drive.
47. No. 10PL014 - A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson for a **Preliminary Plat** on Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9850 Sheridan Lake Road.
48. No. 10PL015 - A request by Bob Brandt for Rushmore Properties, LLC for a **Preliminary Plat** on Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1400 Philadelphia Street.
49. No. 10PL016 - A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations for a **Layout Plat** on Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 50 – 68A

Motion was made by Olson, second by LaCroix and carried to open the public comment for items 50 – 68A. No comments were offered.

Motion was made by Olson, second by LaCroix and carried to close the public comment for items 50 – 68A.

Ordinances

Ordinance 5605 (No. LF041410-13) An Ordinance Regarding Supplemental Appropriation No. 3 for 2010. Motion was made by Olson, second by LaCroix, and carried that Ordinance 5605 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, May 3, 2010.

Ordinance 5598 (No. LF033110-13) An Ordinance to Revise the Penalty for Reckless and Careless Driving by Amending Section 10.12.340 of the Rapid City Municipal Code having passed its first reading

April 5, 2010; motion was made by Olson, second by LaCroix, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, LaCroix, Chapman, Olson, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5598 was declared duly passed upon its second reading.

Ordinance 5606 (No. 10RZ029) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** of Lot 5 of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3010 South Valley Drive. Motion was made by Olson, second by LaCroix, and carried that Ordinance 5606 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, May 3, 2010.

Ordinance 5607 (No. 10RZ030) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** of Lots 33 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2802 Cactus Drive. Motion was made by Olson, second by LaCroix, and carried to acknowledge the applicant's withdrawal of Ordinance 5607.

Ordinance 5608 (No. 10RZ031) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Larry Nelson for a **Rezoning from Low Density Residential District to Medium Density Residential District** of all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Motion was made by Olson, second by LaCroix, and carried that Ordinance 5608 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, May 3, 2010.

Ordinance 5609 (No. 10RZ032) 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 east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the west side of Elk Vale Road and north of School Drive. Motion was made by Olson, second by LaCroix, and carried that Ordinance 5609 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, May 3, 2010.

Growth Management Department Items

Motion was made by Olson, second by Waugh and carried to approve (No. 09PL083) A request by Fisk Land Surveying & Consulting Engineers for Stephen M. Gowan for a **Preliminary Plat** on Lots A and B of Mahoney Addition No. 2 and dedicated right-of-way, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet of Block 122 and the west half of Block 123 of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 134 Anamosa Street with the following stipulations: 1. Prior to Planning Commission approval, the applicant shall obtain a Variance from the Zoning Board of Adjustment to reduce the required front yard setback for Lot A from 25 feet to 18 feet; 2. Upon submittal of a Final Plat application, the existing shed at the northwest corner of proposed Lot A shall be removed from the 8 foot wide utility and minor drainage easement or surety shall be posted for the removal of the shed; 3. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements must be submitted for review and approval; 4. Upon submittal of a Final Plat application, surety shall be posted for any required subdivision improvements that have not been completed and the subdivision inspection fees shall be paid; 5. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and 6.

The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Olson, second by Waugh, to approve (No. 10PL005) A request by Renner & Associates for Randy Ruthford for a **Preliminary Plat** on Lots 1 and 2 of Monte Vista Subdivision located in the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2019 and 2021 Monte Vista Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit construction plans showing the relocation of the non-conforming water service line to proposed Lot 2 or an Exception to allow a non-conforming water service line shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, construction plans showing Monte Vista Drive constructed with a 27 foot wide paved surface shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, the associated Planned Residential Development request to reduce the required front yard setback from 25 feet to 19 feet shall be approved by the Planning Commission or the property must be brought into compliance with the zoning code; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of any required subdivision improvements shall be submitted for review and approval; 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. Responding to Chapman, Elkins confirmed that the waiver of right to protest has been signed. Chapman explained that he will vote in favor, and Elkins pointed out items 90 and 91 (10SV003) on this agenda also relate to this item. Motion carried.

Legal & Finance Committee Items

Motion was made by Olson, second by LaCroix, (No. LF041410-12) to acknowledge the request for the Finance Office to bring the original figures presented during the budget discussions regarding electricity increases to the April 19, 2010, City Council meeting for further discussion. Responding to Hadcock, Preston explained the shortfall based on the 28% increase. It was indicated a 10% increase was figured into the budget, but Hadcock felt that we should have looked ahead a little more. She asked where the funding will come from for the shortfall, and Preston said the Mayor and Finance Office have had discussions about it. He indicated that Council Contingency is a possibility, but they have not made any decisions. Hadcock expressed her disappointment that this was not addressed earlier when we knew the rates were going to go up. Since the rates are not final, LaCroix pointed out that we really do not know what the effect is yet, and he also mentioned that Public Works is working to find energy cost savings and grants. Chapman pointed out that the budget was already approved before we knew increases could be higher than 10%. He said Council Contingency might be a good place to look for funds but said it makes sense to look at a larger number for utility costs for 2011. Hadcock said we need to plan ahead more and said it is not fair to the City or community when the Council has to guess what the increase will be. Mayor Hanks briefly explained the budget process. He explained that the 2010 budget process starts in February 2009, and at that time, Black Hills Power estimated a 10% increase. Chapman asked that Council is kept apprised of what the PUC does and suggested Council think about using the Council contingency funds for utilities. Mayor Hanks pointed out that the shortfall is a very small percentage of the overall budget and hopes that each department has enough flexibility to absorb it. The intent is not to go into the Council Contingency. Motion carried.

Motion was made by Olson, second by Hadcock, to continue to the May 3, 2010 City Council meeting (No. LF041410-24) Authorization for the Mayor and Finance Officer to sign Letter of Confirmation of Mutual Agreement with St. Joe Investment Group, LLC. Green explained that the St. Joe Investment Group was unable to have a representative here today, which is the reason for the continuation request. Motion carried.

Public Works Committee Items

Ellis explained that the applicant has asked that (No. PW033010-01) a Request from Centerline to Appeal the Denial of the Request for Exception to the Rapid City Design Standards to allow a Non Conforming Water Service Line allowing the same treatment to the west side of the lot that was previously approved for the east side of the lot be continued for further discussion. Motion was made by Kooiker, second by Waugh, to continue to the April 27, 2010 Public Works Committee meeting. Ellis said that staff approves this request. Motion carried.

Motion was made by Kooiker, second by Waugh and carried to approve items 61 – 64.

61. No. PW041310-10A - Authorize Mayor and Finance Officer to Sign the Letting Authorization for the Eglin Street Extension, Project No. ST05-1470 / CIP No. 50560. SDDOT Project No. P 1650(00) – PCN 005Q.
62. No. PW041310-10B - Authorize Mayor and Finance Officer to Sign the Utilities & Environmental Clearance Certificate for the Eglin Street Extension, Project No. ST05-1470 / CIP No. 50560. SDDOT Project No. P 1650(00) – PCN 005Q.
63. No. PW041310-10C - Authorize Mayor and Finance Officer to Sign the Right-Of-Way Certificate for the Eglin Street Extension, Project No. ST05-1470 / CIP No. 50560. SDDOT Project No. P 1650(00) – PCN 005Q.
64. No. PW041310-10D - Authorize Mayor and Finance Officer to Sign the Agreement for Voluntary Right-Of-Way Donation document from the National Relief charities for the Eglin Street Extension, Project No. ST05-1470 / CIP No. 50560. SDDOT Project No. P 1650(00) – PCN 005Q.

Motion was made by Kroeger, second by Hadcock, that the (No. 10EX033) request to waive the requirement to install sidewalk on North Street be denied; and that the request to waive the requirement to install sidewalk on Third Street be denied in part and approved in part with the following stipulations: 1. The curb return on the northeast corner of Third Street and vacated Denver Street shall be installed; 2. Additionally, sidewalk shall be installed along the south side of vacated Denver Street between the existing sidewalk and the proposed curb ramp. Elkins explained the recommendation, and Olson stated her support. Motion carried.

Bids

The following companies submitted bids for (No. CC041910-02.1) West Chicago Area Water Main Reconstruction - Project No. W08-1763 / CIP No. 50282 opened April 12, 2010: Simon Contractors of SD Inc., Heavy Constructors, Hills Materials Company, R.C.S. Construction Inc., Quinn Construction Inc. and Rapid Construction Inc. Staff reviewed the bids and recommends bid award to Simon Contractors of SD Inc. Motion was made by Hadcock, second by LaCroix and carried to award the bid to the lowest responsible bidder, Simon Contractors of SD Inc., in the amount of \$444,786.70.

The following companies submitted bids for (No. CC041910-02.2) East North Street Maintenance Project – Project No. ST10-1867 / CIP No. 50445 opened April 12, 2010: Hills Materials Company, Simon Contractors of SD Inc. and J&J Asphalt Company. Staff reviewed the bids and recommends bid award to Simon Contractors of SD Inc. Motion was made by Hadcock, second by LaCroix, to award the bid to the lowest responsible bidder, Simon Contractors of SD Inc., in the amount of \$59,795.00. Responding to LaCroix, Ellis said this is maintenance in the phase one area of the project, and phase two is two years away. Motion carried.

The following companies submitted bids for (No. CC041910-02.3) One (1) New Current Model Year Pothole Patch Truck opened April 12, 2010: Northern Truck Equipment Corporation and Bergkamp. Staff reviewed the bids and recommends bid award to Northern Truck Equipment. Motion was made by Hadcock, second by LaCroix, to award the bid to the lowest responsible bidder meeting specifications, Northern Truck Equipment, in the amount of \$166,994.00. Ellis explained that the lowest bid did not meet specifications. He also indicated they will not be trading in the current vehicle, but they will look at other alternatives. Ellis said their estimate was lower because they thought they would get more for the trade-in. LaCroix agreed that it is better to keep the current vehicle. Motion carried.

Council Items & Liaison Reports

Motion was made by Kroeger, second by Hadcock, to continue the Return of Application Fees to Melody Acre Residents to the April 28, 2010 Legal and Finance committee meeting. Hadcock said that only four people need fee returns, and she said this is important to citizens and Council. Motion carried.

PUBLIC HEARING ITEMS – Items 69 – 91

Motion was made by Waugh, second by Chapman and carried to open the public hearing for items 69 – 91. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 69 – 80

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

Continue the following items until May 3, 2010:

69. No. 09SV025 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less the north 8½ feet of Block 103, the west 50 feet less the north 8½ feet of Block 102, the east 115 feet less the north 8½ feet of Block 102 all in Mahoney Addition No. 2, located in the SE¼ of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.
70. No. 09SV028 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying**

width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located at 5703 and 5707 Pioneer Circle.

71. No. 10RZ014 - Second Reading, Ordinance 5595, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Jim Letner for a **Rezoning from General Commercial District to Light Industrial District** on a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, located south of E. St. Charles Street and west of Creek Drive.
72. No. 10RZ011 - Second Reading, Ordinance 5592, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 15 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Cactus Drive.
73. No. 10RZ015 - Second Reading, Ordinance 5596, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 17 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2803 Cactus Drive.
74. No. 10RZ020 - Second Reading, Ordinance 5597, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 30 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2706 Cactus Drive.

75. No. 10SV005 - A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9850 Sheridan Lake Road.
76. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on the St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

Continue the following items until May 17, 2010:

77. No. 10CA005 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S54°58'38"E, a distance of 42.23 feet, to the point of beginning; Thence first course: S89°44'01"E, a distance of 29.43 feet; Thence second course: N80°14'20"E, a distance of 61.38 feet; Thence third course: S00°00'01"E, a distance of 397.37 feet; Thence fourth course: N89°44'34"W, a distance of 176.15 feet; Thence fifth course: N12°34'56"E, a distance of 395.82 feet, to the point of beginning, located northeast of the intersection of Stumer Road and Black Hills Boulevard.
78. No. 10CA006 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 175.21 feet, to the point of beginning; Thence first course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 30.39 feet, to the southeasterly corner of said Lot 3, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°55'52"E, along the southerly boundary of said Lot 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2; Thence third course: S72°01'35"E, along the southerly boundary of said Lot 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2; Thence fourth course: N17°47'24"E, along the easterly boundary of said Lot 2, a distance of 2.28 feet; Thence fifth course: curving to the left, on a curve with a radius of 220.67 feet, a delta angle of 09°04'29", a length of 34.95 feet, a chord bearing of S07°51'03"W, and chord distance of 34.92 feet; Thence sixth course: S03°19'17"W, a distance of 6.07 feet; Thence seventh course: N83°19'13"W, a distance of 116.68 feet; Thence eighth course: N54°45'41"W, a distance of 151.94 feet, to the point of beginning, located north of Stumer Road and south of Fifth Street.

79. No. 10CA007 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to General Commercial with a Planned Commercial Development** on a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 65.73 feet, to the point of beginning; Thence First course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 109.48 feet; Thence Second course: S54°45'40"E, a distance of 151.94 feet; Thence Third course: S83°19'13"E, a distance of 383.89 feet; Thence Fourth course: S06°40'47"W, a distance of 50.00 feet; Thence Fifth course: N83°19'18"W, a distance of 396.61 feet; Thence Sixth course: N54°45'41"W, a distance of 262.07 feet, to the point of beginning, located north of Stumer Road and west of Fifth Street.
80. No. 10CA008 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC 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 portion of the E½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza, common to the northeasterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza, common to a point on the southerly edge of Fifth Street right-of-way, thence S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way, a distance of 268.61 feet, to the point of beginning; Thence First course: S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way a distance of 203.98 feet; Thence Second course: S27°26'24"W, a distance of 200.74 feet; Thence Third course: N83°19'13"W, a distance of 218.49 feet; Thence Fourth course: N27°30'19"E, a distance of 278.42 feet, to the point of beginning, located at the intersection of Stumer Road and Fifth Street.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by LaCroix, second by Chapman and carried to close the public hearing for items 69 – 91.

CONSENT PUBLIC HEARING ITEMS – Item 81 – 85

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

82. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled May 11, 2010 at Golden West Technologies, 2727 N. Plaza Drive.
83. MG Oil Company DBA Chances Casino, 1565 Haines Ave. Ste. D, for a Retail (on-off sale) Malt Beverage License TRANSFER from MG Oil Company DBA Warehouse Bar, 200 E. Main Street.

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

Growth Management Items

81. No. 10CA009 - Approve a request by City of Rapid City for an **Amendment to the Comprehensive Plan to adopt the Red Dale Drainage Basin Design Plan** on the Red Dale Drainage Basin located in all or portions of Sections 3, 4, 5, 6, 8 and 9 and 10, T1N, R7E, BHM,

Pennington County, South Dakota, more generally described as being located north of Jackson Boulevard and west of 32nd Street.

RESOLUTION #2010-043
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 19th day of April, 2010, 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 incorporate the Red Dale Drainage Basin Design Plan Amendment into the Comprehensive Plan; and

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

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the Comprehensive Plan by adopting the Red Dale Drainage Basin Design Plan Amendment.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to incorporate the Red Dale Drainage Basin Design Plan Amendment, and, along with the accompanying maps, plats, charts and descriptive and explanatory matter as attached to the original hereof, and be filed with the City Finance Office.

Dated this 19th day of April, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Alcohol Licenses

- 84. Charles Desmond DBA Ifrits Hookah Lounge, 725 St. Joseph Street, for a Retail (on-off sale) Wine License
- 85. Curry Masala Inc. DBA Curry Masala, 510 St. Joseph Street, for a Retail (on-off sale) Malt Beverage License

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented a request by Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled May 11, 2010 at Golden West Technologies, 2727 N. Plaza Drive. Motion was made by Olson, second by Waugh, to approve the request. Kooiker wanted to acknowledge that he is abstaining from this item due to his employment. Motion carried with Alderman Kooiker abstaining.

The Mayor presented a request by MG Oil Company DBA Chances Casino, 1565 Haines Ave. Ste. D, for a Retail (on-off sale) Malt Beverage License TRANSFER from MG Oil Company DBA Warehouse Bar, 200 E. Main Street. Motion was made by Olson, second by Chapman and carried to continue the request to the May 17, 2010 City Council meeting at the applicant's request.

NON-CONSENT PUBLIC HEARING ITEMS – Items 86 – 91

The Mayor presented (No. 10CA002) A request by Jim Letner for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial** on a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, located south of E. St. Charles Street and west of Creek Drive. Motion was made by Olson, second by Waugh, to approve the request. Elkins indicated that the recommendation is different than the one from Planning Commission as Mr. Letner met with the Future Land Use Committee, and they changed the recommendation to not require a planned development. Motion carried.

RESOLUTION #2010-056

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 19th day of April, 2010, 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 Light Industrial on a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the

westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, more generally described as being located south of E. St. Charles Street and west of Creek 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 Comprehensive Plan be amended to change the land use designation from General Commercial with a Planned Commercial Development to Light Industrial on a portion of Lot B of Lot 3 of Tract D of the SW¼ of the SW¼, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, more generally described as being located south of E. St. Charles Street and west of Creek Drive, as attached to the original hereof and be filed with the City Finance Office.

Dated this 19th day of April, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

The Mayor presented (No. 10UR004) An **Appeal of Planning Commission's decision** request by Lamar Advertising for a **Conditional Use Permit to allow an electronic billboard** on Lot 9 of Lot K-3, less Lot H-1 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located 532 East Anamosa Street. Motion was made by Olson, second by Waugh, and carried to continue to the May 3, 2010 City Council meeting at the applicant's request.

The Mayor presented (No. 10UR005) An **Appeal of Planning Commission's decision** request by Lamar Advertising for a **Conditional Use Permit to allow an electronic billboard** on Lots 1 thru 3 of Block 11 of Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1602 Mt. Rushmore Road. Motion was made by Olson, second by Waugh, and carried to continue to the May 3, 2010 City Council meeting at the applicant's request.

Ordinance 5604 (No. 10RZ023) 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 Lots 1 thru 5 of Wood Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of S.D. Highway 79 and School Drive and west of Elk Vale Road having passed its first reading April 5, 2010; motion was made by Olson, second by LaCroix, that the title be read the second time and be approved in conjunction with the associated Amendment to the Comprehensive Plan. Olson said this is an example of understanding the requests of the neighborhood. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, LaCroix, Chapman, Olson, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5604 was declared duly passed upon its second reading.

The Mayor presented (No. 10SV003) A request by Renner & Associates for Randy Ruthford for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Monte Vista Subdivision located in the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2019 and 2021 Monte Vista Drive. Motion was made by Olson, seconded and carried to acknowledge the applicant's withdrawal of the request to reduce the right-of-way width from 52 feet to 24 feet; and, approve the request to reduce the pavement width from 27 feet to 18 feet with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement.

Motion was made by Olson, second by Waugh and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for street improvements as they abut Lot 9 and the north 25 feet of Lot 10 of Block 3 of Lot 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2019 and 2021 Monte Vista Drive. (10SV003)

BILLS

The following bills have been audited.

South Dakota Retirement System, Paid 04-05-10

369,046.92

CITY COUNCIL

APRIL 19, 2010

South Dakota Retirement System, Paid 04-05-10	371.00
Berkley Risk Administrators	39,425.23
First National Bank in Sioux Falls, Paid 04-14-10	323,351.72
First Administrators, claims paid 04-07-10	87,059.98
First Administrators, claims paid 04-14-10	58,525.52
West River Electric Association, Paid 04-13-10	20,061.47
Black Hills Power and Light, Paid 04-13-10	21,318.56
Computer Bill List	<u>4,390,203.31</u>
Subtotal	\$5,309,363.71
South Dakota Retirement System, Paid 04-05-10	322.74
City – Health Insurance Trust	1,010.00
Ikon Financial Services	12.31
Knology	160.10
Metropolitan Life Insurance	6.42
Wright Express	<u>129.63</u>
Total	\$5,311,004.91

Preston requested to add a payment to the South Dakota Municipal League for six registrations for the District 9 meeting for \$78.00. The new bill list total is \$5,311,082.91. 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. Motion carried.

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

Motion was made by LaCroix, second by Chapman and carried to go into Executive Session at 8:25 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 9:00 P.M. with all members present.

STAFF DIRECTION

Motion was made by Chapman, second by Waugh and carried to direct the City Attorney to proceed in accordance with the discussions in executive session on the collective bargaining matter.

Motion was made LaCroix, seconded Chapman and carried to authorize the Mayor to extend an offer to the candidate for the Finance Officer job at Grade 27 Step G.

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 9:01 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Office

(SEAL)