

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

December 6, 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, December 6, 2010 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bonny Petersen, Ron Weifenbach, Dave Davis, Deb Hadcock, Ron Kroeger, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Aaron Costello.

Staff members present included Acting Finance Officer Jeff Barbier, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Fire Chief Mike Maltaverne, and Administrative Coordinator Sharlene Mitchell

ADOPTION OF AGENDA

Motion was made by Brown, second by Petersen and carried to approve the agenda as presented.

APPROVE MINUTES

Motion was made by Kroeger, second by Waugh and carried to approve the minutes of the November 8, 2010 and November 22, 2010 Special Council meeting and November 15, 2010 Regular Council meeting.

AWARDS AND RECOGNITIONS

Mayor Hanks presented a Certificate of Recognition to Mike Thompson, Fire Department, 20 years and acknowledged his dedicated service to the Rapid City community.

Mayor Hanks presented the Executive Proclamation to Branden Stackenwalt for his dedication to the service of his country and community and proclaimed December 6, 2010 Branden Stackenwalt day.

GENERAL PUBLIC COMMENT

Mike Quasney Mt Rushmore Road Group, thanked the Council for their support of the Wilson Park lighting ceremony and the Rushmore Road reconstruction project.

Ron Sasso thanked the City for their handling of the Spenser's issue and encouraged the City to review the school bus regulations with regard to the Shotgun Willies party bus.

NON-PUBLIC HEARING ITEMS -- Items 1 - 93

Motion was made by Brown, second by Mason and carried to open the public comment on Items 1 – 93. No comments were received. Motion was made by Brown, second by Waugh and carried to close the public comment on Items 1 – 93.

CONSENT ITEMS – Items 1 – 67

The following items were removed from the Consent Items.

17. Approve placement of the items as listed from the September 27, 2010 budget hearing on the next budget hearing agenda.
49. No. LF120110-17 – Approve Resolution No. 2010-171 Establishing Maximum Salaries for Certain City Officers.

56. No. LF120110-06 – Approve amendments to the Tax Increment Financing Guidelines.

Motion was made by Hadcock, second by Kroeger and carried to approve the following items as they appear of the Consent Items with the exception of Items 17, 49 and 56.

Alcoholic Beverage License Applications Set for Hearing (December 20, 2010)

1. Jian Ying Liang DBA Hunan Restaurant, 1720 Mt Rushmore Road for Retail (on-off sale) Wine
2. Jian Ying Liang DBA Hunan Restaurant, 1720 Mt Rushmore Road for Retail (on-off sale) Malt Beverage Transfer from Hao Wang/Northstar Inc DBA Hunan Restaurant, 1720 Mt Rushmore Road
3. Central Baseball Association DBA 109th Engineering Group Armory, Range Road for a Special Event Malt Beverage for an event scheduled March 12, 2011 at Range Road Armory
4. Colt 45 Entertainment, LLC DBA Divas-n-Rockstars Karaoke Night Club, 640 E St Patrick Street for a Retail (on-off sale) Wine
5. Colt 45 Entertainment, LLC DBA Divas-n-Rockstars Karaoke Night Club, 640 E St Patrick Street for a Retail (on-off sale) Malt Beverage
6. Wal-Mart Stores, Inc. DBA Walmart #1604, 1200 N LaCrosse Street for a Package (off-sale) Liquor
7. Metanoia LLC DBA Fresh Start-Rapid Valley #21, 3887 East Highway 44 (Lot 2 of Lot M, Burson Subdivision) for Package (off-sale) Liquor for FY 2011 Transfer from Metanoia, LLC DBA Rapid Valley Car Wash/Liquor Store, 3800 East Highway 44 (Lot 1B of Lot M, Burson Subdivision)

Retail (on-sale) Liquor License Renewals for 2011

8. ERJ Dining IV LLCC DBA Chili's Grill & Bar, 2125 N Haines Ave for Retail (on-sale) Liquor
9. Dealer Exchange Inc DBA Kaktus Kim's, Rushmore Mall Space 478 for Retail (on-sale) Liquor
10. First National Bank Rapid City DBA Murphy's Bar, 510 9th Street for Retail (on-sale) Liquor

Package (off-sale) Liquor License Renewals for 2011

11. Gentner & Salter LLC DBA The Wine Rack, 5734 Sheridan Lake Rd 202 for Package (off-sale) Liquor

Retail (on-off sale) Wine License Renewals for 2011

12. Walgreen Co. DBA Walgreens #05643, 540 Mountain View Road for Retail (on-off sale) Wine
13. Walgreen Co. DBA Walgreens #10656, 1902 Mount Rushmore Road for Retail (on-off sale) Wine
14. Yichang Su DBA Pacific Café, 1204 E North Street for Retail (on-off sale) Wine

Public Works Committee Consent Items

- 15. No. PW113010-01 – Approve Resolution #2010-168 Establishing a Maximum Connection Fee For Sewer Construction Projects Identified In the Source Water Protection Study (W07-1684) Prepared by Stanley Consultants in July 2009.

RESOLUTION NO 2010-168

A RESOLUTION ESTABLISHING A MAXIMUM CONNECTION FEE FOR SEWER CONSTRUCTION PROJECTS IDENTIFIED IN THE SOURCE WATER PROTECTION STUDY (W07-1684) PREPARED BY STANLEY CONSULTANTS IN JULY 2009.

WHEREAS, the City of Rapid City had Stanley Consultants prepare a Source Water Protection Study in 2009; and

WHEREAS, the study recommended the City eliminate on-site waste water systems in sensitive aquifer recharge areas and provided further guidance on how to accomplish these goals; and

WHEREAS, the study recommended eliminating on-site waste water systems by extending public sewers into sensitive recharge areas not currently served by the City’s sewer system; and

WHEREAS, when the City extends sewer lines into an area not previously served by the City’s sewer system it generally requires the residents to pay a connection fee to reimburse the City for their proportionate cost of such sewer prior to being allowed to connect to the City sewer system; and

WHEREAS, the imposition of high connection fees may discourage people from abandoning their current on-site waste water system and connecting to the City’s sewer system; and

WHEREAS, the City has an interest in protecting sources of groundwater by encouraging residents to abandon on-site waste water systems and connecting to the City sewer system; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interest of the City to adopt a policy whereby the City caps the connection fee of sewer extension projects in the areas identified in the Source Water Protection Study in order to encourage residents to abandon their on-site waste systems and connect to the City’s sewer system.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that any sewer connection/construction fees for any sewer extension projects identified by the Director of Public Works or their designee as source water protection projects be capped at \$7,500 per property. The determination of what constitutes a source water protection project will be based on the Source Water Protection Study. This policy will only apply to sewer extension projects located within the City limits.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 16. No. PW113010-02 – Approve Resolution No. 2010-174 a Corrective Resolution Renaming Elgin Street to Eglin Street.

RESOLUTION NO 2010-174
CORRECTIVE RESOLUTION RENAMING

ELGIN STREET TO EGLIN STREET

WHEREAS, the City of Rapid City Council by resolution on the 7th day of September, 2010 approved the renaming of the previously unnamed portion of Lot PE1 of Lot "X" in the SE1/4, Section 29, T2N, R8E, and the right-of-way Lot H1 lying adjacent to Lots 1 and 2, in Carefree Subdivision, in the NE1/4 of Section 32, T2N, R8E, and the Vacated Section Line Highway Adjacent to Lot "X", and Lots 1 and 2, Carefree Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota to "Elgin Street"; and

WHEREAS, the Resolution Renaming Unnamed Right-of-Way to Elgin Street was recorded at the Pennington County Register of Deeds on September 15, 2010 in Book 202, Page 3393; and

WHEREAS, the City has determined that the resolution renaming the previously unnamed right-of-way to "Elgin Street" contained typographical errors; and

WHEREAS, it was the intent of the City of Rapid City that the previously unnamed right-of-way be renamed to "Eglin Street."

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the previously unnamed right-of-way described above that was by resolution renamed to "Elgin Street" be, and is hereby, renamed to Eglin Street.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 18. No. PW113010-03 – Approve Change Order No. 1F to Site Work Specialists, Inc. for Highway 16 Fire Station Detention Cell, Project No. DR03-1268 / CIP No. 50440, for a decrease of \$2,637.55.
- 19. No. PW113010-04 – Approve Change Order No. 1F to Highmark, Inc. for Maple Avenue/Rapid Creek Emergency Sanitary Sewer Encasement, Project No. SS10-1906 / CIP No. 50842, for a decrease of \$1,790.63.
- 20. No. PW113010-05 – Approve Change Order No. 2F to Simon Contractors of SD, Inc. for West Chicago Watermain Reconstruction, Project No. W08-1763 / CIP No. 50282, for a decrease of \$40,245.75.
- 21. No. PW113010-06 – Approve Change Order No. 2F to Simon Contractors of SD, Inc. for St. Andrew Street Reconstruction, Lincoln Avenue to Elm Avenue, Project No. ST10-1803 / CIP No. 50714, for a decrease of \$43,762.03.
- 22. No. PW113010-07 – Approve Change Order No. 1 to RCS Construction for Cliff Drive Sanitary Sewer Extension, Project No. SS09-1830 / CIP No. 50778, for an increase of \$67,100.00.
- 23. No. PW113010-08 – Approve Change Order No. 1F to Highmark, Inc. for 2010 Manhole Adjustments, Project No. SS10-1916 / CIP No. 50846, for an increase of \$615.00.
- 24. No. PW113010-09 – Approve Change Order No. 1F to Quinn Construction Inc. for Landfill Gas Collection System, Project No. LF09-1795 / CIP No. 50762, for a decrease of \$15,673.75.

25. No. PW113010-10 – Approve Change Order No. 2 to SECO Construction, Inc. for Milo Barber Transportation Center Site Improvements, Project No. GB08-1765 / CIP No. 50746, for an increase of \$1,934.00.
26. No. PW113010-11 – Approve Change Order No. 2 to RCS Construction, Inc. for 2010 WRF Improvements, Project No. WRF10-1856 / CIP No. 50791, for an increase of \$12,001.20.
27. No. PW113010-12 – Approve Change Order No. 1F to Xcel Demo, LLC for Omaha Street Stormwater Quality, Project No. DR09-1801 / CIP No. 50782. No cost change order, increase in contract days.
28. No. PW113010-13 – Approve Change Order No. 2 to RCS Construction, Inc. for Knollwood Drainage Outfall Elements 2 and 20, Project No. DR04-1390 / CIP No. 50312, for a decrease of \$130,767.20.
29. No. PW113010-14 – Approve 2011 WRF Polymer, Water Reclamation Division. Estimated cost: \$80,000.00.
30. No. PW113010-15 – Approve Meadowbrook Maintenance Shop, Project No. PR10-1902 / CIP No. 50841. Estimated cost: \$860,000.00.
31. No. PW113010-16 – Approve CSAC Restroom ADA Upgrade, Project No. GB10-1876 / CIP No. 50813. Estimated cost: \$75,000.00 (City portion: \$45,000.00.)
32. No. PW113010-17 – Approve Adams Street and North Street Sanitary Sewer Reconstruction, Project No. SS10-1884 / CIP No. 50197. Estimated cost: \$360,000.00.
33. No. PW113010-18 – Authorize Mayor and Finance Officer to Sign an Amendment to the agreement with Helen Rozdal Back to extend the expiration date of a temporary easement agreement from December 1, 2010 to one year after project completion date. Anamosa Street Project Phase 2, Haines to Midway, State Project No. P1648(3), PCN H021, City Project No. ST07-1472 / CIP No. 50519.
34. No. PW113010-19 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Professional Services Agreement with HDR Engineering Company, Inc. for 2010 WRF Improvements, Project No. WRF10-1856 / CIP No. 50791, in the amount of \$24,886.00. (To be funded through SRF loan.)
35. No. PW113010-20 – Authorize Mayor and Finance Officer to Sign a Release of Easement located at 2009 Monte Vista Drive for the Fire Hydrant Installation Annual Project, Project No. W08-1875 / CIP No. 50808.
36. No. PW113010-21 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Sperlich Consulting for Levee Certification, Project No. DR09-1840 / CIP No. 50756, in the amount of \$214,015.16.
37. No. PW113010-22 – Authorize Mayor and Finance Officer to Sign Amendment No. 3 to the Professional Services Agreement with FMG, Inc. for Tasks 4 & 5 – Basic & Expanded Construction Services for Jackson Boulevard Utilities, Project No. SSW09-1509 / CIP No. 50351, in the amount of \$75,590.00.

- 38. No. PW113010-23 – Authorize Mayor and Finance Officer to Sign a Covenant Agreement Between City of Rapid City and McCarthy Properties, LLC to allow the continued use of a sub-grade encroachment into the adjacent public right of way. Downtown Improvement Project – 6th Street from Kansas City Street to Omaha Street, Project No. ST10-1817 / CIP No. 50138.
- 39. No. PW113010-24 – Authorize Mayor and Finance Officer to Sign a Right of Way Certificate, Letting Authorization, and Utilities Certificate with the SD Department of Transportation for Anamosa Street Reconstruction, Phase 2, Haines to Midway, State Project No. P1648(3), PCN H021, City Project No. ST07-1472 / CIP No. 50519.
- 40. No. PW113010-25 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Burns & McDonnell Engineering Company for Construction Phase Services for the Jackson Springs Water Treatment Plant, Project No. WTP10-1858 / CIP No. 50789, in the amount of \$1,908,500.00.
- 41. No. PW113010-26 – Authorize acceptance of an H Lot and Quit Claim Deed for the following described property: Lot H1 located in the North Half of the Northwest Quarter (N1/2NW1/4) of Section Sixteen (16), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, containing 0.033 acres, more or less. Heights Drive Sanitary Sewer Extension, Project No. SS09-1831 / CIP No. 50777.
- 42. No. PW113010-27 – Approve Construction Fee Resolution #2010-164 for 9th Street Watermain Construction, Project No. W10-1885.

RESOLUTION #2010-164
 CONSTRUCTION FEE RESOLUTION FOR 9th STREET WATER MAIN
 PROJECT NO. W10-1885

WHEREAS, SDCL 9-47-16 and Section 13.04.095 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, an 8” water main was extended in 9th Street per City Project No. W10-1885 and

WHEREAS, the total cost of constructing this water main was \$17,162.43; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this water main be paid by the properties which will benefit from its construction prior to such properties being served by the City’s water utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees to be the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8” water main shown in City Project No. W10-1885; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$3,432.49 to connect to the City’s water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$17,162.43 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 6th day of December, 2010.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

(SEAL)

43. No. PW113010-28 – Approve Construction Fee Resolution #2010-165 for Homestead Subdivision, Phase I 16” Watermain Oversizing, Project No. DEV08-901.

RESOLUTION #2010-165
CONSTRUCTION FEE RESOLUTION FOR HOMESTEAD SUBDIVISION, PHASE I 16” WATER MAIN
OVERSIZING PROJECT NO. DEV08-901

WHEREAS, SDCL 9-47-16 and Section 13.04.095 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, the City, has extended its water system in order to provide service to the Homestead Subdivision area; and

WHEREAS, the City constructed approximately 840 lineal feet of 16” water main along Homestead St per Project No. DEV08-901; and

WHEREAS, a 16” water main was constructed in lieu of a smaller water main in order to provide additional capacity for future growth in the area; and

WHEREAS, the cost attributable to constructing the oversize portion of the water main is \$183,071.64; and

WHEREAS, the City’s engineering staff has identified the total area that will benefit from construction of the additional capacity of the water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this water main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees to the benefiting area shown on Exhibit A be apportioned based on the benefits that accrue to such property, and as such, should be established on a per-acre basis. "Benefiting areas" include those properties that will benefit from the oversized water main. These properties do not necessarily directly about the water main. Thus, the owner's of these properties may need to extend additional water mains and other necessary infrastructure, at their own cost, prior to connecting to the 16" water main; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct the oversized water main on a per acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown on Exhibit A, shall be required to pay a proportionate share of the cost of constructing the oversize portion of the 16" water main for Project No. DEV08-901; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$69.94 per acre prior to connecting to the City's water utility; and

BE IT FURTHER RESOLVED that all water construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$183,071.64 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 44. No. PW113010-29 – Approve Resolution #2010-167A Establishing Time and Place for Hearing on Final Assessment Roll for the E. St. Patrick Street Sidewalk Project, Project No. MIP09-1805.

RESOLUTION #2010-167A
RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR
EAST ST. PATRICK SIDEWALK PROJECT
PROJECT NO. MIP09-1805

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

- 1. The Assessment Roll for East St. Patrick Sidewalk Project – Project No. MIP09-1805 was filed in the Finance Office on the 6th day of December 2010. The City Council shall meet at the City / School

Administration Center in Rapid City, South Dakota, on 3rd day of January 2011 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 6th day of December, 2010.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

(SEAL)

45. No. 10VE013 - Wildwood Subdivision – Approve a request by Joe and Shelby Keeton for a **Vacation of a Note on a Plat** for Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 5480 Pine Tree Drive.

RESOLUTION NO. 2010 - 173
RESOLUTION VACATING A NOTE ON A PLAT

WHEREAS, the owner of Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, has requested that the General Note #1 on the plat of Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota requiring “Minimum Building Setback Requirements Unless Otherwise Noted: 25’ – Front & Rear, 8’ - Sides” be removed; and

WHEREAS, the Rapid City Planning Commission has reviewed and is recommending approval of the request to vacate the note on the plat; and

WHEREAS, the Rapid City Council held a public hearing on the 6th day of December, 2010, to consider the request to vacate the note on the plat along with the recommendation of the Rapid City Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Rapid City Council that the plat of Lot 7 of Block 3 of Wildwood Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, recorded in Plat Book 15, Page 287 be partially vacated by removing the General Note #1 on the plat that states:

“Minimum Building Setback Requirements Unless Otherwise Noted: 25’ – Front & Rear, 8’ - Sides”

as shown on Exhibit “A” which has been attached hereto and incorporated herein by this reference.

Dated this 6th day of December, 2010.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

(SEAL)

- 46. No. 10RD004 - Section 32, T2N, R8E – Approve a request by City of Rapid City for a **Resolution for Road Name Change from Century Road to Camden Drive** for the portion of the Century Road right-of-way lying within Anamosa Crossing Subdivision and Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of East North Street and East Anamosa Street.

RESOLUTION NO. 2010 - 157
RESOLUTION RENAMING CENTURY ROAD TO CAMDEN DRIVE

BE IT RESOLVED, by the City of Rapid City, that the portion of Century Road right-of-way lying within Anamosa Crossing Subdivision and Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Camden Drive.

Dated this 6th day of December, 2010.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

(SEAL)

- 47. No. PW113010-30 –Approve Chapel Valley Access Traffic Analysis and Route Alignment Study and request that the Mayor appoint the Emergency Management Planning Task Force.

Legal & Finance Committee Consent Items

- 48. No. LF120110-16 – Confirm appointment of Karim Merali of the Radisson Hotel to the Business Improvement District Board (Hotel) for a three year term to expire August 31, 2012, to replace Richard Dunkelberger who resigned.
- 50. No. LF120110-01 – Acknowledge Capital Improvement Program Committee monthly update for October 2010.
- 51. No. LF120110-02 – Acknowledge Capital Plan for Street, Drainage and MIP Projects for October 2010.
- 52. Approve allocation of \$175,000.00 from the affordable housing line item for the Sidewalk to Star Village Project and to request that Barb Garcia review the Community Development Block Grant criteria with regard to the funding request for the Habitat for Humanity Project.
- 53. Approve expenditure of \$36,300 from the FY 2011 Council Contingency fund for the Black Hills Humane Society.

- 54. No. LF120110-03 – Approve Event Permit for Black Hills Symphony Orchestra Young Artist Competition on January 22, 2011, from 7:30 a.m. to 4:30 p.m. (Free Parking on Kansas City Street between 6th Street and 7th Street).
- 55. No. LF120110-04 – Approve Resolution No. 2010-163 Writing Off Uncollectable Ambulance Billing Accounts.

RESOLUTION NO. 2010-163
 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 \$93,255.05 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 6th day of December, 2010.

ATTEST:
 s/ Jeff Barbier
 Acting Finance Officer

CITY OF RAPID CITY
 s/ Alan Hanks, Mayor

(SEAL)

- 57. No. 10TP032 – Authorize Mayor and Finance Office to sign 2011 Transportation Planning Process Agreement between the City of Rapid City and the South Dakota Department of Transportation in the Amount of \$491,853.
- 58. Acknowledge the following volunteers for workmen’s compensation purposes: Mark A. Robinson, Christina L. Green, Melissa L. Schell, and Denver C. Rost.
- 59. No. LF120110-08 – Authorize Mayor and Finance Officer to sign Administrative Services Agreement Amendment No. 7 with Berkley Risk Administrators Company, LLC.
- 60. No. LF120110-09 – Approve Resolution No. 2010-162 of the City of Rapid City Establishing a Payroll Deduction for Avesis Vision Plan.

RESOLUTION NO. 2010-162
 RESOLUTION OF THE CITY OF RAPID CITY ESTABLISHING A PAYROLL DEDUCTION
 FOR AVESIS VISION PLAN

WHEREAS, the City of Rapid City has employees rendering valuable services; and

WHEREAS, providing an opportunity for employees to purchase services provided by Avesis Vision through a payroll deduction will be on a voluntary basis; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Rapid City hereby authorizes a payroll deduction for Avesis Vision.

BE IT FURTHER RESOLVED that such deduction for participation with Avesis Vision will be effective January 1, 2011;

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

61. No. LF120110-10 – Approve Amendment to FY 2010 Annual Action Plan for the Reallocation of Unused Community Development Block Grant funds in the amount of \$248,409.92.
62. No. LF120110-11 – Approve Subsidy Committee Recommendation to amend the FY 2010 CDBG Annual Action Plan to allocate \$136,212 of Community Development Block Grant (CDBG) funds to Cornerstone Rescue Mission for purchase of property for the Dear Ones Child Care Program.
63. No. LF120110-12 – Approve preliminary Subsidy Committee recommendations for FY 2011 Community Development Block Grant Funding Annual Action Plan Allocations with the following changes: change the project description for the Black Hills Area Habitat for Humanity to “property acquisition and /or rehabilitation and repair” and approve the additional use of funds for both the FY 2010 and FY 2011 CDBG allocations of funding.
64. No. LF120110-13 – Acknowledge Raffle Request from American Association of University Women.
65. No. LF120110-14 – Acknowledge Raffle Request from Western Resources for dis-ABLED Independence.
66. No. LF120110-15 – Acknowledge Raffle Request from Western Dakota Tech (Student Government Association).

Growth Management Department Consent Items

67. No. 10AN004 – Approve a request by D.C. Scott Surveyors, Inc. for Kelly Flannery for a **Petition for Annexation** for a parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked “FISK 1771” found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03’49”W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at

another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road, running parallel to and 33 feet from the centerline of said Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning, located at 7887 Sheridan Lake Road with the stipulation that the Petition for Annexation be approved contingent on any payment due to the Whispering Pines Fire Protection District being made by the City of Rapid City.

RESOLUTION NO. 2010-161

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and

WHEREAS, the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be annexed and thereby included within the corporate limits of the City; and

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 1.72 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

A parcel of land located in Lot 1 of the SE1/4 SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota, said 1.72 acre of land being situated in the northwest corner of and adjoining the west boundary of said Lot 1 and adjoining the south right-of-way line of Sheridan Lake Road, a public road, and being more particularly described by metes and bound as follows: Commencing, for location purposes only at an iron rod with cap marked "FISK 1771" found for corner on the west sixteenth-section line of said SE1/4 SE1/4 of Section 29 at its intersection with the eastern right-of-way line of Croyle Avenue, a 66-foot wide public road, said corner also marking the intersection of the east boundary of Lot A of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of Lot B of Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along said sixteenth-section line, running within the right-of-way of Croyle Avenue, a distance of 390.92 feet to the Point of Beginning of the herein described tract, said Point of Beginning being located at another intersection with the eastern right-of-way line of Croyle Avenue and also being at the intersection of the east boundary of Lot B of Lot 1 of Rohrer Subdivision in the SW1/4 SE1/4 of Section 29 and west boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29 with the eastern right-of-way line of Croyle Avenue; Thence, N00°03'49"W, along the west sixteenth-section line and west

boundary of said Lot 1 of the SE1/4 SE1/4 of Section 29, a distance of 199.93 feet to a point for corner on the southern right-of-way line of Sheridan Lake Road, from which a surveyor's monument marking the northeast corner of Lot 23 of Block 12 of Countryside Subdivision on the west line of Lot 1 of Block 5 of Red Rock Estates bears N00°03'49"W a distance of 237.70 feet; Thence, N69°25'25"E, along the southern right-of-way line of Sheridan Lake Road, running parallel to and 33 feet from the centerline of said Sheridan Lake Road, a distance of 217.80 feet to a point of curvature; Thence, continuing along the southern right-of-way line of Sheridan Lake Road in a curve to the right having a central angle of 01°37'22", a radius of 1399.39 feet, and an arc length of 39.64 feet to a point for corner; Thence, S09°15'00"E, a distance of 246.84 feet to a point for corner; Thence, N87°30'00"E, a distance of 55.33 feet to a point for corner; Thence, S02°30'00"E, a distance of 61.00 feet to a point for corner; Thence, S87°30'00"W, a distance of 335.55 feet to a point for corner on the eastern right-of-way line of said Croyle Avenue; Thence, N07°07'11"W, along the eastern right-of-way line of Croyle Avenue, a distance of 27.13 feet to the Point of Beginning.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT CALENDAR

Motion was made by Kooiker, second by Brown to approve placement of the items as listed from the September 27, 2010 budget hearing on the next budget hearing agenda. Weifenbach requested clarification of the party responsible for setting the Special Council agenda. Mayor Hanks indicated that the council membership provides direction to council leadership nothing that the Mayor and Council leadership then work with staff to set the agenda. Kroeger stated that the list of discussion topics has been prepared and he is responsible for setting the agenda. In response to a question from Hadcock, Kroeger indicated that membership will be notified by email regarding placing additional discussion items on the agenda. Mason requested that the email be provided prior to finalization of the meeting agenda. Kooiker requested that the discussion topics include the possible \$767,000.00 budget deficit. Motion carried.

Motion was made by Hadcock, second by Davis to (No. LF120110-17) Approve Resolution No. 2010-171 Establishing Maximum Salaries for Certain City Officers. Weifenbach questioned the necessity of the resolution noting Council support for the wage issue. Hadcock encouraged the Mayor and Council to lead by example noting the economic impact on salaries statewide. In response to a question, Green addressed the union pay agreements and the mirroring of those agreements to the non-union pay scale. In response to a question from Hadcock, Green indicated that as the resolution addresses both Mayor and Council salaries reduction of the Mayor's salary should be addressed in a subsequent motion. Mayor Hanks clarified that he voluntarily froze his salary for 2010 and will do so again for 2011. Mayor Hanks addressed the impact of the resolution on the FY 2011 Mayor and Council salaries. Discussion followed regarding the Council authority to establish salaries. In response to a question from Mason, Green indicated that implementation of salary changes for the Mayor and Council cannot be delayed to the next election cycle. Mason voiced support for the resolution and encouraged considering reducing the Mayor and Council salaries. Discussion followed regarding the annual savings to be realized by freezing Step 22 and above positions. An amended motion was made by Kooiker, second by Mason and carried to amend the resolution to require that the Mayor and Council receive a 3% pay reduction for FY 2011. Motion carried with the following voting AYE: Kooiker, Brown, Mason, Petersen, Weifenbach, Hadcock and Kroeger; voting No: Waugh and Davis. The motion as amended carried.

RESOLUTION #2010-171
RESOLUTION ESTABLISHING MAXIMUM SALARIES FOR CERTAIN CITY OFFICERS

WHEREAS, the salaries for the Non-Union positions for the Mayor and City Council members are listed in the Resolution Establishing Salaries for Certain City Officers; and

WHEREAS, traditionally the City Council adopts a new Resolution Establishing Salaries for Certain City Officers prior to the beginning of the next fiscal year; and

WHEREAS, the current economic conditions limit the City's ability to offer City employees wage increases which will be .75% for FY 2011; and

WHEREAS, it is appropriate and proper for the Mayor and the City Council to lead by example;

NOW, THEREFORE, BE IT RESOLVED that the compensation for the Mayor and for each City Council member shall decrease for FY 2011 by 3% of their FY 2009 and FY 2010 salaries; and

BE IT FURTHER RESOLVED that the mileage and Information Technology (IT) allowance for each Council member shall not increase for FY 2011, but shall remain as set by the Council in its FY 2009 and FY 2010 resolutions.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Hadcock, second by Kroeger to (No. LF120110-06) Approve amendments to the Tax Increment Financing Guidelines. Elkins indicated that the amendment to the guidelines is a recommendation of the Tax Increment Guidelines Policy Committee. Elkins addressed the benefits of requiring certification of the final cost within 120 days of project acceptance. In response to a question from Kooiker, Elkins indicated that the finding of blight is a requirement of State law. Elkins clarified that the proposed amendment does not impact the guidelines currently in place. Motion carried.

TAX INCREMENT FINANCING IN RAPID CITY
A Guide for Applicants

INTRODUCTION

In 1978, the South Dakota Legislature approved the use of Tax Increment Financing (TIF) by municipalities to help finance redevelopment projects. Tax Increment Financing is a method of funding public investments in an area by capturing, for a time, all of the increased tax revenue that results when public investment stimulates private investment.

Tax Increment Financing is one of the few economic development and community redevelopment tools currently available to municipalities in South Dakota. Rapid City has effectively used Tax Increment Financing since the creation of the first district in 1983. However, as with any technique, Tax Increment Financing should be used according to carefully specified criteria. These criteria will assure that projects help fulfill the City's objectives for economic development and redevelopment and avoid unnecessary

subsidies. This guide outlines criteria and procedures for evaluating proposals for the use of Tax Increment Financing. These criteria should be considered guidelines only and do not guarantee approval of a request for Tax Increment Financing.

Purpose of Tax Increment Financing. The City of Rapid City recognizes the following purposes for the use of Tax Increment Financing:

1. To encourage the redevelopment of deteriorated, or otherwise blighted real property in Rapid City through the investment of public funds;
2. To stimulate economic development in the community by assisting projects that promote the long term economic vitality of the community;
3. To stimulate increased private investment in areas that would have otherwise remained undeveloped or under-developed and which will, in the long term, provide a significant source of additional tax revenues to all taxing entities;
4. To stimulate the construction of safe and affordable housing units for low and moderate income residents and workers in the community; and,
5. To facilitate the reconstruction, maintenance and completion of the City's existing infrastructure network to support the existing growth and guide the future growth of the community.

PROJECT REVIEW PROCESS

TAX INCREMENT FINANCE PROJECT REVIEW COMMITTEE. Each applicant seeking to use Tax Increment Financing must submit a complete application to the Growth Management Department which will be forwarded to the Tax Increment Finance Project Review Committee for evaluation. The Tax Increment Finance Project Review Committee will make recommendations on the use of Tax Increment Financing to the Planning Commission and the City Council. The Tax Increment Finance Project Review Committee consists of the following seven members: two City Council members appointed by the Mayor and Council leadership; two Planning Commission members appointed by the Mayor; Economic Development Partnership President or his/her representative; one representative of the Rapid City Area School District or his/her representative appointed by the School Board President; and, one representative of the Pennington County Board of Commissioners or his/her representative appointed by the Pennington County Board of Commissioners.

The applicant and his designees shall meet with the Tax Increment Finance Project Review Committee to present the proposed Tax Increment District, Project Plan and/or Project Plan revisions. The meeting of the Tax Increment Finance Project Review Committee shall be a public meeting at which minutes will be taken and streaming audio recorded and made available to the public. Notice of the meeting shall be given. Public comment on the proposed Tax Increment District, Project Plan and/or Project Plan revisions shall be taken and considered by the Committee. A majority of the Tax Increment Finance Project Review Committee members present at the meeting where the Tax Increment Finance proposal is evaluated must concur for the request to receive a positive recommendation.

Application Requirements. An application for the use of Tax Increment financing must include the following information or the project will not be processed:

1. A detailed project description; and,
2. Purpose of the Tax Increment Financing; and,

3. List of project costs to be funded by the Tax Increment Financing including identification of typical developer costs, exceptional costs and oversizing costs. The applicant shall provide written justification when the sum of the Necessary and Convenient Costs and Contingency Cost line items exceed 10% of the total Project Costs. The proposed project costs shall include an itemized list of all Estimated Costs, including the Professional Fees.; and,
4. A preliminary development financing plan, including sources of funds, identification of lender, interest rates, financing costs and loan terms; and,
5. The applicant shall identify all persons and entities that have an interest in the project and/or in the entity applying for the tax increment financing district. The disclosures shall require identification of all members of an LLC or LLP, other partners, investors, shareholders and directors of a corporation or any other person who has a financial interest in the project or in the entity applying for the tax increment financing. This provision requires identification of all persons who have an interest in the project, including those whose interest exists through, an LLC, LLP, corporation (whether as a director or shareholder) or other legal entity. The applicant shall be under a continuing obligation to update this disclosure within thirty (30) days of any changes throughout the application process and throughout the life of the developer's agreement. If the applicant is a publicly traded company, the applicant shall be deemed to have complied with this provision if it has provided the City a copy of its most recent annual report with the application; and,
6. A pro forma indicating projected costs and revenues; and,
7. A statement and demonstration that the project would not proceed without the use of Tax Increment Financing; and,
8. A statement identifying the specific Statutory Criteria, Other Local and Discretionary evaluation criteria that the applicant believes the request meets; and,
9. Conceptual plans, sketches, maps or site plans for the project; and,
10. A development time schedule including specific phasing of improvements and project costs; and,
11. A list of the specific public improvements and a list of the specific private improvements proposed to be constructed along with the project; and,
12. Corporation, LLC, partnership papers or other business documents identifying the parties with ownership interest in the corporation and property involved in the project, including land ownership, contract for deed or other contractual information relating to control of the property and the applicant's ability to complete the project; and,
13. A financial statement of the corporation, partnership, or individual for the most recent five years or life of the company; and,
14. A copy of the proposed wage scale, employee benefits package, and full and part time employment levels or, in the case of an affordable housing project, a copy of the applicable federal housing grant program; and,
15. The applicant shall notify by certified, return receipt mail every owner of property contained within the proposed boundaries of a tax increment district and shall notify by first class mail every owner of property that is adjacent to the proposed boundaries of the tax increment district. The notification shall contain the proposed boundaries as well as a description of the proposed improvements. The Growth Management Department shall provide the applicant with a list of property owners to be

notified. The return receipts shall be directed to the Growth Management Department. The applicant shall pay a fee of \$20.00 per list for the cost of compiling the two property owners lists;

16. A \$1,000 non-refundable application fee;

17. Other information that may be required by the Tax Increment Finance Project Review Committee.

All applications for Tax Increment Financing must be submitted to the Growth Management Department. The Tax Increment Project Review Committee will schedule a meeting within thirty (30) days at which the applicant will present his/her project and financing request.

Criteria for Evaluation. Projects applying for assistance through Tax Increment Financing must qualify by meeting certain criteria. Some criteria are statutory and must be met in order for the City to establish a Tax Increment Financing District. Others are discretionary, and enable the City to determine the benefits of the project. The project application must demonstrate how the project meets the required criteria. However, in all cases, the decisions to create a Tax Increment Financing District and to enter into a developer's agreement with any applicant are wholly discretionary. There is no right for an applicant to have a Tax Increment Financing District created or to have the City enter into a developer's agreement.

Statutory Criteria

SDCL 11-9-8. Findings required as to blighted areas—Likelihood of enhanced value from improvements. To implement the provisions of this chapter, the resolution required by 11-9-5 shall contain findings that:

- (1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area; and
- (2) The improvements of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

It is not necessary to identify the specific parcels meeting the criteria. No county may create a tax incremental district located, in whole or in part, within a municipality, unless the governing body of such municipality has consented thereto by resolution.

SDCL 11-9-9. Areas conducive to disease or crime defined as blighted.

Any area, including slum area, in which the structures, buildings or improvements, by reason of:

- (1) Dilapidation, age, or obsolescence;
- (2) Inadequate provisions for ventilation, light, air, sanitation, or open spaces;
- (2) High density of population and overcrowding;
- (4) The existence of conditions which endanger life or property by fire and other causes; or
- (5) Any combination of such factors;

are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and which is detrimental to the public health, safety, morals, or welfare, is a blighted area.

SDCL 11-9-10. Developed areas impairing growth defined as blighted.

Any area which by reason of:

- (1) The presence of a substantial number of substandard, slum, deteriorate, or deteriorating structures;
- (2) Predominance of defective or inadequate street layouts;
- (3) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (4) Insanitary or unsafe conditions;
- (5) Deterioration of site or other improvements;
- (6) Diversity of ownership, tax, or special assessment delinquency exceeding the fair value of the land;
- (7) Defective or unusual conditions of title;
- (8) The existence of conditions which endanger life or property by fire and other causes; or

(9) Any combination of such factors; substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, is a blighted area.

SDCL 11-9-11. Open areas impairing growth defined as blighted.

Any area which is predominantly open and which because of obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of a municipality, is a blighted area.

In addition, a project must meet two of the following six criteria:

1. The project must demonstrate that it is not economically feasible without the use of Tax Increment Financing. In addition, if the project has site alternatives, the proposal must demonstrate that it would not occur in Rapid City without Tax Increment Financing.
2. The project will eliminate actual or potential hazard to the public. Hazards may include condemned or unsafe buildings, sites, or structures.
3. The project will not provide direct or indirect assistance to retail or service businesses competing with existing businesses in the Rapid City trade area.
4. The project will bring new or expanded employment opportunities as demonstrated by proposed wage scales, employee benefits and mixture of full and part-time employees.
5. The project will result in additional redevelopment in the following Tax Increment Financing Target Areas:
 - A. Downtown District (see Appendix A for description)
6. The project will result in the construction of affordable housing units defined as housing where the occupant is paying no more than thirty percent (30%) of gross income for housing costs including utilities and complies with the following requirements:
 - A. Affordable housing projects must target residents at or below eighty percent (80%) of median income with rents at thirty percent (30%) of the tenants income or the Fair Market Rent (FMR) for the Section 8 Program whichever is greater. A minimum of 51% of the dwelling units of the proposed development shall be occupied by households meeting this income guideline;
 - B. Affordable housing is required to remain affordable as defined above for ten (10) years. If affordability is less than ten (10) years, repayment of prorata share of increment benefit will be due and payable to the City.

Additional Local Criteria.

1. The project must comply with the adopted Comprehensive Plan and all other appropriate plans and regulations.
2. The use of Tax Increment Financing for the project will not result in the net loss of pre-existing tax revenues to the City and other taxing jurisdictions.
3. Allowable Project Costs: To accomplish the purposes of Tax Increment Financing, the following costs are determined to be allowable costs:

1. Oversizing costs for sewer, water and streets required by the City of Rapid City;
2. Extension of off-site sewer, water, street and public improvements to the development site;
3. Oversizing costs for storm drainage detention and transmission facilities to accommodate storm water runoff beyond that generated by the development;
4. Reconstruction of existing streets, water, sewer, sidewalks or other public infrastructure;
5. Regional lift stations, pump stations or other public facilities to be owned by the City of Rapid City;
6. Public playgrounds, parks and recreational improvements to be owned by the City of Rapid City;
7. Demolition costs for the removal of existing structures or infrastructure;
8. Interest and financing fees;
9. Imputed administrative fees due to the City;
10. Removal and replacement of contaminated soils;
11. Professional service fees limited to engineering, design, survey and construction management associated with the allowable project costs; and,
12. Costs, at the discretion of the governing body, which are found to be necessary or convenient to the creation of the Tax Incremental District or the implementation of the Project Plan.

Project Costs Not Allowed: The following costs are not allowed unless specifically authorized by the Rapid City Council:

1. Acquisition of equipment or other permanent fixtures;
2. Private Development site improvements including but not limited to parking lots, landscaping, driveways, site lighting, sidewalks, signs, grading and fill;
3. Real property assembly costs including land acquisition;
4. Clearing and grading of land;
5. Relocation costs;
6. Organizational costs;
7. Professional service fees including engineering, design, survey and construction management fees associated with project costs not allowed as part of the Project Plan;
8. Alteration, remodeling, repair or reconstruction of existing buildings or structures; and,
9. Legal and developer fees.

Discretionary Criteria. In addition, the project should meet several of the following criteria. The project will be evaluated relative to the criteria outlined below. The extent to which a project meets these criteria will be used in evaluation of the project including the length of time a district may run.

1. The project will generate at least one full-time job for each \$10,000 in principal value of the Tax Increment Financing; or would create a minimum of 50 new jobs.
2. All Tax Increment Financing proceeds are used for the construction of public improvements.
3. The project involves the rehabilitation of a building listed on or eligible for listing on the National Register of Historic Places.
4. The project will directly benefit low and moderate income people, as defined by the U.S. Department of Housing and Urban Development as applied to the Community Development Block Grant Program. A project will meet this criterion if at least 51% of the jobs created will be held by or available to low and moderate income people.
5. The building or site that is to be redeveloped itself displays conditions of blight as established by the provisions of SDCL 11-9.

6. The project involves the start-up of an entirely new business or business operation within the City of Rapid City.
7. The project involves the expansion of an existing business located within Rapid City.
8. The project site has displayed a recent pattern of declining real property assessments, as measured by the Pennington County Director of Equalization.
9. The project costs are limited to those specific costs associated with a site that exceed the typical or average construction costs (i.e. excessive fill, relocation costs, additional foundation requirements associated with unusual soil conditions, extension of sewer or water mains, on-site or off-site vehicular circulation improvements, etc.)
10. The developer agrees to waive the five-year tax abatement.

TAX INCREMENT FINANCING APPROVAL PROCESS

Following the review of the request to create a Tax Increment District or approval of a project plan by the Tax Increment Finance Project Review Committee, the staff shall notify the applicant of the Committee's action within seven (7) days.

If after reviewing the application the Tax Increment Finance Project Review Committee recommends approval of the creation of the Tax Increment District or approval of the project plan or revision to the project plan, the following approval process shall be initiated:

1. Notification Process. The Growth Management Department-Development Services Center will prepare two property owners lists: property owners inside the District boundaries and property owners adjacent to the District boundaries. The Growth Management Department-Development Services Center will notify the petitioner when the lists are ready (there is a minimum charge to the petitioner of \$20 per list). The Growth Management Department-Development Services Center will prepare an official letter of notification which must be sent by certified, return receipt mail to the property owners inside the proposed District boundaries and by first class mail to the property owners adjacent to the District boundaries. *NOTE: The date stamped white receipts must be submitted to the Growth Management Department-Development Services Center within three days of completing the mailing and the green cards must be submitted to the Growth Management Department-Development Services Center by 12:00 p.m. (noon) the day prior to the Planning Commission hearing. If all the green cards have not been returned, those that have been returned must be submitted to the Growth Management Department-Development Services Center by the date and time identified. Green cards returned subsequently must be forwarded to the Growth Management Department-Development Services Center.*
2. Preparation of a Project Plan. The City Staff shall prepare a Project Plan for the proposal. The Project Plan must meet certain statutory requirements including information about the use of the Tax Increment Financing funds. It shall also include a Resolution defining the proposed Tax Increment District. The Project Plan shall identify the actual percentage of commercial and industrial zoned acreage in the proposed District. The Staff shall forward the draft Resolution and Project Plan along with the Tax Increment Finance Project Review Committee recommendation to the Planning Commission.

3. Notification of Public Hearing. The City Staff shall prepare and publish a notice of public hearing by the Planning Commission prior to recommending the creation of the Tax Increment District.
4. Approval of the Project Plan. The Resolutions creating the Tax Increment District and Project Plan are then submitted to the Planning Commission for its recommendation. Following Planning Commission review and recommendation, the City Council shall set the recommended Resolution and Project Plan for Public Hearing at a future City Council meeting. The recommendation of the Legal and Finance Committee is forwarded to the City Council for its consideration following the Public Hearing.
5. Approval of the Development Agreement. Following approval of the Resolutions creating the Tax Increment District and the Project Plan by the City Council, the City Attorney shall draft a Development Agreement. The Agreement sets forth the mutual responsibilities of both parties. The Development Agreement is reviewed by the City Council who must authorize the Mayor and Finance Officer to sign the agreement.

If the Tax Increment Finance Project Review Committee does not recommend approval of the creation of the Tax Increment District, the applicant may appeal that decision to the Planning Commission. Upon approval by the Planning Commission, City Staff shall prepare the resolution creating the District and the proposal shall be reviewed as outlined above in Steps 1, 2 and 3. The decision of the Planning Commission on the creation of the Tax Increment District shall be final.

If the Tax Increment Finance Project Review Committee does not recommend approval of the project plan, the applicant may appeal that decision to the Planning Commission. If the Planning Commission authorizes the preparation of the plan, City Staff shall prepare the project plan and the proposal shall be reviewed as outlined above in Steps 1, 2 and 3. If the Planning Commission denies the request to authorize the preparation of the project plan, the applicant may appeal that decision to the Legal and Finance Committee who shall make a recommendation to the City Council. If the City Council authorizes the preparation of the project plan, the proposal shall be reviewed as outlined above in Steps 1, 2 and 3. If the City Council does not authorize the preparation of the project plan, no further action shall be taken.

If the application is denied, resubmission of the request cannot occur for thirty (30) days from the date of denial.

Process for Revising Approved Tax Increment District Project Plans

1. Submit written request to Growth Management Staff.
2. Growth Management Staff schedules a Tax Increment Finance Project Review Committee meeting for review of the request.
3. The Tax Increment Finance Project Review Committee shall meet with the applicant, review the request, take public comment and make a recommendation. If approved by the committee, the staff shall prepare the revised project plan. If denied by the committee, the applicant may appeal the decision to the Planning Commission. If the Planning Commission authorizes the preparation of the revised project plan, the staff shall prepare the revised project plan and submit the request in accordance with the procedures that follow. If the Planning Commission does not authorize the preparation of the revised project plan, the applicant may appeal that decision to the Legal and Finance Committee who shall provide a recommendation to the City Council. If the City Council authorizes the preparation of the revised plan, the staff shall prepare the revised project plan and submit the request in accordance with the procedures that follow. If the City Council does not authorize the preparation of the revised project plan, no further action shall be taken.

4. Pursuant to the provisions of SDCL 11-9-18, the Planning Commission considers the proposed revisions and approves any changes by resolution.
5. Upon approval by the Planning Commission, the request is forwarded to the Legal and Finance Committee.
6. The recommendation of the Legal and Finance Committee is forwarded to the City Council; City Council may approve, amend or reject the revised Project Plan.
7. The City Finance Office shall provide an "Annual Summary of all Active Tax Increment Financing Districts" to the City Council on or before July 31 of each year utilizing the Summary of Current Interest Rate on Active Districts spreadsheet with the addition of Prior Assessment and Revenues Received Information.

GENERAL RULES OF THE TAX INCREMENT FINANCING PROGRAM

All approved projects must comply with the following general rules.

1. Tax Increment Financing shall not be used for the construction of residential structures.
2. Any Tax Increment Financing assisted rehabilitation within a National Historic District must be carried out according to the Secretary of the Interior's Standards for Rehabilitation.
3. The Developer is responsible for acquiring all necessary financing. The City assumes no responsibility for the repayment of any loan or bond beyond the tax allocations outlined in the Project Plan and the funds received.
4. Each applicant shall provide a Tax Increment Financing proposal from a prospective lender of his choosing which shall address these loan terms and conditions:
 - Fixed or variable interest rate, if variable state frequency of pricing adjustments
 - Interest rate index
 - Interest rate spread over/under index, if any
 - Loan term
 - Collateral
 - Guaranty requirements from the developer
 - All identity of interests between developer and lender

The City Finance Officer will review and analyze the proposed financing terms and forward a recommendation for approval or disapproval to the City Council along with the Developers Agreement or proposal for refinancing. If the City Finance Officer concludes that the proposal is not competitive with current market conditions or is otherwise unsatisfactory, a report detailing the deficiencies shall also be forwarded to the City Council.

The City reserves the right to require the refinancing of any existing Tax Increment Finance loan utilizing whatever means the City decides most beneficial to the taxpayers at any time during the term of the developer's agreement. This shall include the City's right to require that the developer assign and/or reassign the Tax Increment Finance loan to the City or any other entity designated by the City. Each project plan and developer's agreement shall include language that allows the City to be reimbursed for any and all project costs should they elect to either finance or refinance the Tax Increment Finance loan.

For purposes of development of the project plan all interest expenses shall be calculated utilizing a fixed rate not to exceed 9 percent annual interest. This interest amount shall be

included in the project plan and at no time during the term of the project shall the actual interest expense exceed the amount budgeted in the project plan.

- 5. An Imputed Administrative Fee shall be charged by the City of Rapid City to every Tax Increment District for which a Project Plan is approved in the amount of \$20,000. Such fee shall be paid to the City as a project cost from the tax increment fund balance in year five of the Tax Increment District. For an initial Tax Increment District application that includes phases an additional \$2,000 of Imputed Administrative Fee shall be paid to the City. Should subsequent amendment of a Tax Increment District result in a phased Project Plan an additional \$5,000 of Imputed Administrative Fee shall be paid to the City.
- 6. Submission of the final costs certification shall be made to the Finance Office no later than 120 days after acceptance of the final project within the phase and receipt of warranty surety, if required.

COUNCIL APPROVED December 2, 1991
 COUNCIL AMENDED AND APPROVED March 21, 1994
 COUNCIL AMENDED AND APPROVED April 18, 2005
 COUNCIL AMENDED AND APPROVED March 20, 2006
 COUNCIL AMENDED AND APPROVED May 5, 2006
 COUNCIL AMENDED AND APPROVED April 7, 2008
 COUNCIL AMENDED AND APPROVED December 15, 2008
 COUNCIL AMENDED AND APPROVED December 6, 2010

Dated this 6th day of December, 2010.

ATTEST:
 s/ Jeff Barbier
 Acting Finance Officer

CITY OF RAPID CITY
 s/ Alan Hanks, Mayor

(SEAL)

CONTINUED CONSENT ITEMS – Items 68 – 76

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

Continue the following items until December 20, 2010:

- 68. No. 10PL033 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Preliminary Plat** for Lots 27R and 29R of Block 25 of North Rapid Addition, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
- 69. No. 10PL061 - A request by Dream Design International, Inc. for a **Preliminary Plat** for Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.
- 70. No. 10PL062 - A request by D.C. Scott Co. Land Surveyors for Kelly Flannery for a **Layout Plat** for Lots 2 and 3 of Flannery Subdivision, legally described as a portion of Lot 1 of the SE1/4

SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.

71. No. 10PL063 - A request by Davis Engineering, Inc. for Bill Peterson and Don Jiracek for a **Preliminary Plat** for Lots A and B of Block 76 of Mahoney Addition, legally described as Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in the SW1/4 of the SE1/4 of Section 25, T2N, R7E BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Wood Avenue and Doolittle Street.
72. No. 10PL075 - A request by Dream Design International for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, located at 23299 South Airport Road.

Continue the following items until January 3, 2011:

73. No. 10PL066 - A request by Renner & Associates, LLC for Skyline Pines East Land Co. for a **Preliminary Plat** for Tract 1, Lot 19, and dedicated Fairmont Boulevard Right-of-way of Skyline Pines East Subdivision, legally described as a portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current western terminus of Fairmont Boulevard west of Mt. Rushmore Road.

Continue the following items until January 18, 2011:

74. No. 10PL077 - A request by Bryan Vulcan for Ian and Amanda Vidinha for a **Layout Plat** for proposed Lot 89 of Canyon Springs Preserve, legally described as that part of Common Lot 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located northwest of the intersection of Nemo Road and North Emerald Ridge Road.

Continue the following items until February 7, 2011:

75. No. 10PL050 - A request by Davis Engineering, Inc. for a **Preliminary Plat** for Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located east of Reservoir Road and on the south side of Long View Road.

Continue the following items until May 2, 2011:

76. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** for Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, 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.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 77 - 93

Motion was made by Waugh, second by Mason and carried to open the public comment on Items 77 – 93.

Bill Petersen (10OA017) addressed his financial investment in the development of his property. Petersen stated that he supports the right-of-way dedication noting his objection to the requirement that he pay the application fee for the dedication process.

Robert Hatch (10PL079) stated that the property in the Mahoney Addition is not large enough to support the proposed six new single family residences and will increase on-street parking. Hatch addressed the services and neighborhood safety that would be impacted by the additional on-street parking.

Kara Hatch (10PL079) stated that the proposed lots do not meet the City lot length to lot width requirement and recommended reducing the number of new lots to four. Hatch asked if she would be required to install sidewalks as a result of this plat request. Hatch expressed concern that the additional lots will adversely impact water pressures, garbage service and snow removal and increase on-street parking.

Don Jiracek (10OA017) complimented the Growth Management staff for their assistance with the project noting his financial investment in the property development. Jiracek voiced support for the proposed amendment and for the donation of property for right-of-way. Jiracek expressed concern with being required to pay the application fee for the property donation and encouraged approval of the amendment.

Motion was made by Davis, second by Waugh and carried to close the public comment on Items 77 – 93.

Ordinances

Ordinance No. 5700 (No. LF120110-07) An Ordinance Regarding Supplement Appropriation #5 for 2010. Motion was made by Hadcock, second by Davis that Ordinance No. 5700 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, December 28, 2010. Kooiker requested clarification of the impact of this supplement on the undesignated cash reserves. Barbier provided a review of the undesignated cash reserves noting the impact the projected 2010 reversion dollars and projected sales tax revenues will have on the remaining percentage of undesignated cash reserves. Mayor Hanks requested that Barbier provide the information to the Council membership. Motion carried.

Ordinance No. 5691 (No. 10OA017) An Ordinance to Allow Setbacks to be Reduced for Existing Structures as a Result of Dedicating Right-of-Way or H Lots by Adding Section 17.50.255 to the Rapid City Municipal Code. Motion as made by Hadcock, second by Weifenbach that Ordinance 5691 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday December 20, 2010. In response to a question from Mason, Elkins addressed the applicant's responsibilities with regard to dedicating right-of-way. Elkins indicated that the ordinance amendment has been recommended by the Planning Commission as an alternative method to address these issues. Green stated that the item had been continued to allow staff to research a viable solution to the issue. Green stated that, in his opinion, the ordinance as written will violate State zoning law and create non-uniform setbacks. Mason recommended that the Mayor direct the City Attorney to present the issue to the State's Attorney for review. Weifenbach addressed the impact of the setback issue on the ability to secure mortgage financing. In response to a question from Weifenbach, Elkins indicated that the subdivision variance application fee is waived if the application is submitted in conjunction with a pending plat. Weifenbach recommenced utilization of the subdivision variance from a mortgage lending aspect. In response to a question from Weifenbach, Elkins indicated that once submitted staff would move the application forward as quickly as possible. Weifenbach recommended moving the ordinance forward to address this issue in older neighborhoods. In response to a question from Hadcock, Elkins indicated that the right-of-way width is based on the road classification. In response to a question from Mayor Hanks, Elkins indicated that moving the project forward is subject to the applicant submitting a zoning or variance application or Council amending the regulations. Motion carried.

Ordinance No. 5612 (No. LF060210-22) An Ordinance Repealing Chapter 15.48 of the Rapid City Municipal Code Relating to Mobile Homes and Mobile Home Parks and Adopting a New Revised Chapter 15.48 of the Rapid City Municipal Code. Motion was made by Hadcock, second by Kroeger that Ordinance No. 5612 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010. In response to a question from Kooiker, Elkins addressed the proposed ordinance amendment and its affect on the existing mobile home parks. Elkins addressed the use changes that would require a Conditional Use Permit or a Planned Development. In response to a question from Mason, Elkins addressed the material requirements for manufactured homes and stick built homes. Maltaverne addressed the fire issues associated with manufactured homes noting that the new requirements address the radiant heat created when the skirting is ignited. Elkins stated that the properties are legal non-confirming and can continue to operate as they currently exist. In response to Weifenbach, Elkins addressed the HUD restrictions on additions to manufactured homes noting that a building permit would be required to place an addition on the home. Elkins clarified that federal standards do not permit additions to manufactured homes noting that an addition would invalidate the HUD certification. Elkins stated that under the new standards additions are not permitted noting that discussions are continuing on the issue. In response to a question from Weifenbach, Maltaverne addressed the items reviewed during a site inspection. Weifenbach requested that the Mayor direct staff to provide clarification of the ordinance language with regard to accessing the interior of the home at the time of second reading. Discussion followed regarding the restriction of additions to the manufactured home. Upon vote being taken the motion failed on a vote of 5-4 with the following voting AYE: Waugh, Brown, Davis, Hadcock and Kroeger; voting NO: Kooiker, Mason, Petersen and Weifenbach.

Motion was made by Petersen, second by Weifenbach to continue First Reading of Ordinance No. 5612 to the December 15, 2010 Legal & Finance Committee meeting. Hadcock indicated that the continuance was unnecessary noting that the items requiring clarification could be addressed at the second reading. Petersen indicated that the continuance would allow the concerns expressed at the Legal & Finance Committee meeting to also be addressed. Weifenbach requested that the Mayor direct staff to clarify the access allowed under the inspection criteria with regard to the interior of the manufactured home. Elkins indicated that clarification of the HUD certification for manufactured homes with special regard to the construction of additions to the homes would also be provided. Mason stated that the continuance will insure that all needs and issues are fully addressed. Motion carried.

Ordinance No. 5613 (No. LF060210-23) An Ordinance Repealing Section 17.50.110 of the Rapid City Municipal Code Relating to Supplementary Regulations Applicable to Mobile Home Parks and Adopting a New Revised Section 17.50.110 of the Rapid City Municipal Code. Motion was made by Hadcock, second by Waugh that Ordinance No. 5613 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010. A substitute motion was made by Kooiker, second by Mason and carried to continue First Reading of Ordinance No. 5613 to the December 15, 2010 Legal & Finance Committee meeting.

Ordinance No. 5701 (No. LF120110-05) An Ordinance Amending Title 15, Chapter 15.24 of the Rapid City Municipal Code by Adopting the 2009 Uniform Plumbing Code and Adding Amendments Thereto. Motion was made by Hadcock, second by Brown and carried that Ordinance No. 5701 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010.

Ordinance 5702 (No. 10RZ055) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** of Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3887 E. Highway 44. Motion was made by Hadcock, second by Davis and carried that

Ordinance No. 5702 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010.

Ordinance 5703 (No. 10RZ056) 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** of a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot 1 of Orchard Subdivision, Thence S82°0'00"E, a distance of 173.5 feet, to the Point of Beginning; Thence S0°36'23"E, a distance of 37.728 feet; Thence S0°36'23"E, a distance of 29.22 feet; Thence S0°36'22"E, a distance of 76.989 feet; Thence S0°36'23"E, a distance of 273.789 feet; Thence S0°35'19"E, a distance of 15.739 feet; Thence N43°26'53"W, a distance of 33.391 feet; Thence N47°15'42"W, a distance of 14.018 feet; Thence N47°15'42"W, a distance of 22.12 feet; Thence N59°40'48"W, a distance of 74.816 feet; Thence N86°11'52"W, a distance of 47.373 feet; Thence N89°32'8"W, a distance of 12.218 feet; Thence N0°25'32"W, a distance of 199.56 feet; Thence N0°27'20"W, a distance of 168.265 feet; Thence N0°27'19"W, a distance of 15.62 feet; Thence N0°10'1"W, a distance of 15.104 feet; Thence S82°1'27"E, a distance of 173.132 feet; Thence S0°58'15"E, a distance of 23.395 feet; Thence S0°58'10"E, a distance of 7.456 feet, to the Point of Beginning, located at 2919, 2925 and 2931 Orchard Lane. Motion was made by Hadcock, second by Davis and carried that Ordinance No. 5703 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010.

Ordinance 5704 (No. 10RZ057) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Commercial District to Light Industrial District** of a portion of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the northeasterly corner of Lot 3 of GLM Subdivision No. 2, common to a point on the east-west section 1/4 line of Section 28, T2N, R8E, and the point of beginning; Thence, first course: S89°56'27"E, along the said east-west section 1/4 line a distance 204.58 feet, to the center-west 16th corner of said section 28; Thence, second course: S89°58'22"E, along the said east-west section 1/4 line a distance 1326.23 feet, to the center 1/4 corner of said section 28, common to the northwesterly corner of Lot 1 of Mall Drive Subdivision; Thence, third course: S00°01'24"E, along the westerly boundary of said Lot 1, common to the north-south section 1/4 line, a distance of 396.01 feet, to the southwesterly corner of said Lot 1, common to a point on the northerly edge of East Mall Drive right-of-way; Thence, fourth course: S89°53'19"W, along the northerly edge of said East Mall Drive right-of-way, a distance of 1530.15 feet, to the southeasterly corner of said Lot 3; Thence, fifth course: N00°07'04"W, along the easterly boundary of said Lot 3, a distance of 399.88 feet, to northeasterly corner of said Lot 3, common to a point on the east-west section 1/4 line, and the point of beginning, and, a portion of the SW1/4 of Section 28, and Lot 3 of Starlite Subdivision, Section 28, T2N, R8E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at intersection of the southerly edge of East Mall Drive right-of-way, and the easterly edge of Dyess Avenue right-of-way, and the point of beginning; Thence, first course: S89°58'23"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 1017.22 feet; Thence, second course: N89°51'21"E, along the southerly edge of said East Mall Drive right-of-way, a distance of 30.10 feet; Thence, third course: S00°00'00"E, a distance of 463.07 feet; Thence, fourth course: S46°19'30"E, a distance of 112.25 feet; Thence, fifth course: S00°00'00"E, a distance of 376.79 feet, to a point on the northerly edge of Interstate 90 right-of-way; Thence, sixth course: N89°50'04"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 261.04 feet, to the southeasterly corner of Lot 3 of Starlite Subdivision; Thence, seventh course: N89°44'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 300.04 feet; Thence, eighth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, common to the southerly boundary of said Lot 3, a distance of 279.40 feet, to the northwesterly corner of said Lot 3; Thence, ninth course: N67°13'25"W, along the northerly edge of said Interstate 90 right-of-way, a distance of 278.24 feet, to the easterly edge of said Dyess Avenue right-of-way; Thence, tenth course:

N08°55'12"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 342.56 feet; Thence, eleventh course: N00°01'28"W, along the easterly edge of said Dyess Avenue right-of-way, a distance of 361.37 feet, to the intersection of the southerly edge of said East Mall Drive right-of-way, and the easterly edge of said Dyess Avenue right-of-way, and the point of beginning, located northeast of the intersection of Dyess Avenue and Interstate 90 north and south of East Mall Drive. Motion was made by Hadcock, second by Waugh that Ordinance No. 5704 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 20, 2010. In response to a question from Hadcock, Elkins indicated that the Future Land Use Committee has reviewed the request with the potential purchaser. Elkins stated that the potential purchaser feels that with the Light Industrial zoning would be more advantageous at this time given the large amount of commercial property on the market. In response to a question from Hadcock, Elkins indicated that the Planning Commission would review the zoning request with regard to the impact on the surrounding area. Elkins indicated that the Future Land Use Committee recommended the zoning change in conjunction with a Planned Development. Brown stated that the Future Land Use Committee feels the Light Industrial zoning will work in the area. Motion carried.

Growth Management Department Items

Motion was made by Hadcock, second by Waugh to approve (No. 10PL079) A request by D.C. Scott Surveyors, Inc. for Northern Development, LLC for a Layout Plat for proposed Lot A, Lot B and Lot C of Block 11 and Lot A, Lot B, and Lot C of Block 22 of Mahoney Addition, legally described as Block 11 and Block 22 of Mahoney Addition, located in the SW1/4 SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Wood Avenue between Lindbergh Avenue and Patton Street with the following stipulations: 1. Upon submittal of a Preliminary Plat application, a site plan shall be submitted for review and approval showing the location of the existing driveway approaches across the street in relation to the proposed driveway locations on the proposed lots to insure that the location of the driveways align and/or provide minimum separation as per the Street Design Criteria Manual. In addition, the plat document shall be revised to show non-access easements in compliance with the Street Design Criteria Manual or an Exception shall be obtained as needed; 2. Upon submittal of a Preliminary Plat application, an Exception shall be obtained to allow a lot twice as long as it is wide or the plat document shall be revised to comply with the length to width requirement; 3. Upon submittal of a Preliminary Plat application, construction plans for Lindbergh Avenue shall be submitted for review and approval showing a sidewalk along the south side of the street and three additional feet of pavement, for a minimum pavement width of 27 feet, or a Variance to the Subdivision Regulations shall be obtained; 4. Upon submittal of a Preliminary Plat application, construction plans for Patton Street shall be submitted for review and approval showing three additional feet of pavement, for a minimum pavement width of 27 feet, and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained; 5. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the existing sanitary sewer mains and the proposed service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed; 6. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the existing water mains and the proposed service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of utility easements as needed; 7. Upon submittal of a Preliminary Plat application, a drainage plan shall be submitted for review and approval. In addition, the drainage plan shall identify if any areas of the property are located within the 100 year federally designated floodplain. Pursuant to Chapter 16.20.040.H of the Rapid City Municipal Code, the plat document shall be revised to show the areas of periodic inundation; 8. Upon submittal of a Preliminary Plat application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required; 9. Upon submittal of a Preliminary Plat application, a grading plan shall be submitted for review and approval if subdivision improvements are required; 10. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision

improvements shall be submitted for review and approval; 11. Upon submittal of a Preliminary Plat application, the plat title shall be revised to read "Lots A, B and C of Block 11, and Lots A, B and C of Block 22 of Mahoney Addition and dedicated Patton Street Right-of-way (formerly Block 11 and Block 22 of the Amended Plat of Mahoney Addition) located in..."; 12. 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; 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 14. The approved Layout 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. In response to a question from Petersen, K. Hatch stated that the neighborhood cannot support the additional traffic and congestion that the six additional properties will create. Hatch recommended that the density be reduced to four additional properties. In response to a question from Mason, Elkins indicated that three lots each would front on Anamosa Street and College Avenue noting that the lot sizes meet requirements with the exception of the length to width ratio. Elkins stated that a variance will be required for the lot length/width exception. Elkins indicated that sidewalks are installed with the building permit noting that the immediate impact to the adjacent properties is undetermined but there is the potential for future expansion of the sidewalk. Ellis indicated that the new properties should not adversely impact the area water pressures. Elkins clarified that two off-street parking spaces must be provided for all single family residences. Motion carried.

Legal & Finance Committee Items

Motion was made by Hadcock, second by Mason to (No. LF090110-14A) Approve Revised Technology Resource Usage Policy. A substitute motion was made by Kooiker, second by Waugh and carried to continue the request to the December 15, 2010 Legal & Finance Committee meeting.

Motion was made by Hadcock, second by Petersen to (No. LF102710-17) Approve Waste and Fraud Hotline Use Policy. In response to a question from Weifenbach, Green reviewed the positions designated as points of contact noting that the policy requires that quarterly reports be provided to the Council.

An amendment motion was made by Kooiker, second by Weifenbach and carried to add the Council President and Vice President to the points of contact for the Waste and Fraud Hotline. Kooiker requested clarification of the council notification procedure. Discussion followed regarding the notification standards as specified by the Council notification policy. Kooiker recommended that the policy be amended to require that council be notified of all allegations as they are made to the hot line. Kooiker expressed concern that council membership cannot place calls to the hot line. Green stated that in accordance with the notification policy the Mayor and Council are required to report any allegation of fraud or waste. In response to a question from Weifenbach, Mayor Hanks indicated that the Waste and Fraud Use Policy requires quarterly updates to the Council. Motion to approve as amended carried.

RESOLUTION #2010-169
A RESOLUTION ESTABLISHING A WASTE AND FRAUD
HOTLINE USE POLICY

WHEREAS the City of Rapid City has contracted for a service that allows employees of the City to make anonymous reports of fraud and waste; and

WHEREAS the Rapid City Common Council deems it to be in the best interests of the City to establish a policy for address anonymous reports of fraud and waste.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that there is hereby established a waste and fraud hotline use policy as follows:

- 1) The Mayor, City Council President, City Council Vice President, City Attorney and the Community Resources Director shall be the points of contact for the Fraud & Waste Hotline.
- 2) Upon receipt of an allegation from the Fraud & Waste Hotline, the Mayor, City Council President, City Council Vice President, City Attorney, and Community Resources Director shall meet to determine a course of action to address the complaint. The course of action may be to:
 - a. Refer the matter to law enforcement for investigation;
 - b. Conduct an internal investigation of the allegations;
 - c. Ask for clarification or additional information through the Fraud & Waste Hotline; or
 - d. Determine that the complaint is unfounded and take no further action.
- 3) The Community Resources Director shall maintain a file with documentation of each complaint, the course of action taken, and the results of the course of action.
- 4) In the event that the allegation alleges misconduct by either the City Attorney or the Community Resources Director, the Finance Officer shall replace City Attorney or Community Resources Director, as appropriate, in carrying out the requirements of this policy.
- 5) In the event that the allegation alleges misconduct by the Mayor, the Council President shall replace the Mayor, in carrying out the requirements of this policy.
- 6) The Council shall be notified of allegations made via the Fraud & Waste Hotline as required by the Council Notification Policy.
- 7) On a quarterly basis, a summary of the number of complaints received and a summary of the dispositions shall be provided to the Council.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Bids

The following companies submitted bids for (No. CC120610-02.1) New Current Year Model 3/4 Ton 4X4 Pickup Truck for Water Division opened on November 30, 2010: Rapid Chevrolet-Cadillac and McKie Ford. Staff reviewed the bid and recommends bid award to McKie Ford. Motion was made by Kroeger, second by Mason and carried to award the bid to the lowest responsible bidder, McKie Ford, in the amount of \$21,883.00.

The following companies submitted bids for (No. CC120610-02.2) East Tallent and East Indiana Watermain Reconstruction, Project No. W10-1915 / CIP No. 50845 opened on November 30, 2010: Heavy Constructors Inc., Main Line Contracting Inc., Quinn Construction, Inc., Highmark Inc., Hills Materials Company, Lind-Exco, Inc., R.C.S. Construction, Inc., Simon Contractors of SD, Inc., and Rapid Construction Co., LLC. Staff reviewed the bid and recommends bid award to Highmark Inc. Motion was made by Brown, second by Waugh and carried to award the bid to the lowest responsible bidder, Highmark Inc., in the amount of \$303,277.65.

The following companies submitted informal quotes for (No. CC120610-02.3) Ice Sanding Material for Winter Operations, Street Division opened on October 29, 2010: Pete Lien & Sons. Staff reviewed the informal quote and recommends bid award to Pete Lien & Sons. Motion was made by Kroeger, second by Brown to award the informal quote to the lowest responsible bidder, Pete Lien & Sons, for the per unit price of \$14.50. Ellis addressed the types of materials used during snow events. Ellis addressed the impact the change of materials has had on the water quality of Rapid Creek. Ellis stated that Rapid Valley Water District continually monitors the downstream water quality and notifies the City of any issues with water quality. Motion carried.

Council Items & Liaison Reports

Bryan Vulcan (St Joe Investment Group Update) stated that the project is proceeding forward noting that a letter of intent has been received for the project financing. Vulcan indicated that the design has been modified to eliminate the top floor commercial office space noting that commercial office space will be offered at the street level. Vulcan indicated that conversations have been initiated with the City Attorney's Office regarding the land transfer. Motion was made by Weifenbach, second by Hadcock and carried to acknowledge the St Joe Investment Group Update.

Joan Martin and Helen Pich (Soccer Complex) provided an overview of the organizational structure, development of a Complex Executive Board, and the complex design and cost estimates. Martin reviewed the projected revenues from individual and corporate fund raising and player fees. Pich stated that the soccer organization will be responsible for maintenance of the facility. Pich addressed the need to dig the well to determine water quality and quantity. Pich requested that Council approve release of the 2012 funding to finance development of the well and the construction documents. Pich stated that the intent is to complete the bid process by June, 2011 with construction starting in the summer of 2011. In response to a question from Kroeger, Pich indicated that the 2012 funding was identified for Phase One of the project. Pich stated that there is sufficient community and user support to complete Phases Two and Three from donations. In response to a question from Hadcock, Pich addressed the expense to bring City water to the site noting that the project engineer has recommended the on-site well. Hadcock expressed concern for possible water contamination with the on-site well and on-site septic arrangement. Ellis stated that the on-site well is a good solution noting his preference for the use of non-treated water, instead of city water, for irrigation purposes. Green recommended that the appropriation request be placed on a future agenda. Weifenbach indicated that he could not support the project in this location. Pich advised that the soccer committee has provided project information to the new council members. In response to a question from Mayor Hanks, Pich indicated that the 2012 funding would fund Phase One including twelve fields and parking. Pich indicated that two permanent restrooms would be bid as alternates. Discussion followed regarding the construction of the restrooms subject to receiving favorable bids on Phase One. In response to Petersen, Pich commented on the materials donated to the facility indicating that donations would be sought to cover any shortfall. In response to a question from Davis, Martin indicated that prior support was lacking as the project did not have land or City support. Martin indicated that the two soccer organizations are working together and as the land and city support have been secured the response to fund raising efforts are more positive. Martin indicated that the organization is continuing to research grant opportunities. Motion was made by Kooiker, second by Hadcock and carried to place the Soccer Complex appropriation request on the December 15, 2010 Legal & Finance Committee agenda.

Staff Items

Motion was made by Mason, second by Waugh and carried to acknowledge the (No. CC120610-03) Vision 2012 Update

PUBLIC HEARING ITEMS – Items 94 - 197

Motion was made by Mason, second by Hadcock and carried to open the public comment on Items 94 – 197.

Bob Haskell (10RZ047) stated that after reviewing the request with the Growth Management staff he understands and supports the proposal.

Hugh Martin (10RZ051) voiced concern with the rezoning to Flood Hazard noting that his property was not impacted by the 1972 flood. Martin expressed concern with the restrictions of the flood hazard zoning and that the rezone may be an attempt to take the property through eminent domain.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 94 - 96

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

Continue the following items until December 20, 2010:

94. No. 10SV021 - A request by Fisk Land Surveying & Consulting Engineers for James Steele for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section Line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code** for Lot 1 of S and S Subdivision located in the SE1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, legally described as that portion of the SE1/4 SE1/4 SE1/4 of Section 25, T2N, R6E, lying South and West of Lot H-1 of said SE1/4 SE1/4 SE1/4, BHM, Pennington County, South Dakota, located along the south side of Sun Ridge Road west of the intersection of Sun Ridge Road and Aztec Drive.
95. No. 10SV022 - A request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, located at 23299 South Airport Road.

Continue the following items until January 3, 2011:

107. No. 10SV008 - A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Brown, second by Mason and carried to close the public hearing on Items 94 – 197.

CONSENT PUBLIC HEARING ITEMS – Item 97 - 190

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

100. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Wine (New License for FY 2011) -
101. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Malt Beverage
102. Wal-Mart Stores Inc. DBA Walmart #1604, 1200 N. Lacrosse Street for Retail (on-off sale) Wine license

Motion was made by Weifenbach, second by Mason and carried to approve the Consent Public Hearing Items 97 – 190 with the exception of Items 100, 101 and 102.

Growth Management Items

97. No. 10CA044 – Approve a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of South Valley Drive and Orchard Lane. -

RESOLUTION NO. 2010 - 159
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 15th day of November, 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 Low Density Residential to Medium Density Residential for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of South Valley Drive and Orchard Lane; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive

right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northeast corner of South Valley Drive and Orchard Lane, as attached to the original hereof is hereby adopted and shall be filed with the City Finance Office.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Alcohol Licenses

- 98. HK Buffet LLC DBA Coco Palace, 1900 N Maple Ave for Retail (on-off sale) Malt Beverage Transfer from Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave.
- 99. HK Buffet LLC DBA Hong Kong Buffet, 927 E North Street for Retail (on-off sale) Malt Beverage Transfer from Li Zhu Zhu DBA Hong Kong Buffet, 927 E North Street

Retail (on-sale) Liquor License Renewals for 2011

- 103. M. G. Oil Company DBA Clock Tower Lounge, 2525 West Main Street for Retail (on-sale) Liquor
- 104. Sanfords Grub & Pub South Dakota Inc DBA Sanford's Grub & Pub, 306 7th Street for Retail (on-sale) Liquor
- 105. Porter Apple Company Inc DBA Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue for Retail (on-sale) Liquor
- 106. GMRI INC DBA Red Lobster #0460, 120 Disk Drive for Retail (on-sale) Liquor
- 107. Entertainment Inc DBA Robbinsdale Lounge, 801 E St Patrick Street for Retail (on-sale) Liquor
- 108. GMRI INC DBA The Olive Garden #1664, 160 Disk Drive for Retail (on-sale) Liquor
- 109. Fat Boy's Inc DBA Firehouse Brewing Co., 610 Main Street for Retail (on-sale) Liquor
- 110. Kurylas Inc. DBA Imperial Inn, 100 St Joseph Street for Retail (on-sale) Liquor
- 111. The Retired Enlisted Assoc Inc DBA Chapter #29, 1981 E Centre Street for Retail (on-sale) Liquor
- 112. Viper LLC DBA Quality Inn/Reunion Lounge, 1902 N LaCrosse Street for Retail (on-sale) Liquor
- 113. WR Rapid City Ventures LP DBA Minerva's Restaurant & Bar, 2211 N LaCrosse Street for Retail (on-sale) Liquor
- 114. Western Dakota Gaming Inc DBA Valley Sports Bar, 1865 S Valley Drive for Retail (on-sale) Liquor

115. RC Boston Company LLC DBA Boston's Restaurant & Sports Bar, 620 E Disk Drive for Retail (on-sale) Liquor
116. Karen J Schumacher DBA Brass Rail Lounge, 624 St Joseph Street for Retail (on-sale) Liquor
117. Retzel Inc DBA Cheers/Ramada Inn, 1721 N LaCrosse Street for Retail (on-sale) Liquor
118. Fresch Inc DBA Joes Place, 4302 S Hwy 79 for Retail (on-sale) Liquor
119. Outback Midwest II LP DBA Outback Steakhouse 665 E Disk Drive for Retail (on-sale) Liquor
120. Ugly Inc DBA Budd Ugly's, 321 7th Street for Retail (on-sale) Liquor
121. SoDak Mex I Inc DBA On The Border, 1331 E North Street for Retail (on-sale) Liquor
122. Michael O Wieseler DBA Horseshoe Bar, 1407 1/2 E North Street for Retail (on-sale) Liquor
123. A J Inc DBA Shotgun Willies, 2808 W Main Street for Retail (on-sale) Liquor
124. Hungrys Restaurants Inc DBA Marlins Roadhouse Grill, 2803 Deadwood Ave for Retail (on-sale) Liquor
125. Sioux Restaurants, LLC DBA TGI Friday's, 2205 N LaCrosse Street for Retail (on-sale) Liquor
126. LaCroix Investments Inc DBA Time Out Lounge, 615 E North Street for Retail (on-sale) Liquor
127. Derby Advertising Inc DBA Canyon Lake Chophouse, 2720 Chapel Lane for Retail (on-sale) Liquor
128. Atlantis LLC DBA Fairfield Inn & Suites by Marriott, 1314 N Elk Vale Road for Retail (on-sale) Liquor
129. Arnolds Inc DBA Buck-N-Gator, 4095 Sturgis Road for Retail (on-sale) Liquor
130. Tady LLC DBA Teddys Sports Grill, 826 Main Street for Retail (on-sale) Liquor
131. Shooters Inc DBA Shooters, 2504 W Main Street for Retail (on-sale) Liquor
132. Beshara Enterprises Inc DBA The Pirate's Table for Retail (on-sale) Liquor
133. Fox Family Enterprises Inc DBA Roadway Inn, 2208 Rushmore Road for Retail (on sale) Liquor
134. Arrowhead Country Club DBA Arrowhead Country Club, 3675 Sheridan Lake Road for Retail (on-sale) Liquor
135. American Legion DBA American Legion, 818 E St Patrick Street for Retail (on-sale) Liquor
136. Fraternal Order of Eagles DBA Rapid City Aerie No 3555, 1410 Centre Street for Retail (on-sale) Liquor
137. Dublin Square Inc DBA Dublin Square, 504 Mt Rushmore Road for Retail (on-sale) Liquor

138. BDUBS LLC DBA Buffalo Wilds Wings, 715 Mt View Rd for Retail (on-sale) Liquor

Package (off-sale) Liquor License Renewals for 2011

139. Debra J Erickson DBA Corner Pantry – LaCrosse Street, 2130 LaCrosse Street for Package (off-sale) Liquor
140. Mills Drug Inc DBA Boyds Liquor Mart, 1424 Mt Rushmore Road for Package (off-sale) Liquor
141. B & L Inc DBA Boyds Liquor Mart, 2001 W Main Street for Package (off-sale) Liquor
142. B & L Inc DBA Boyds Liquor Mart, 909 E St Patrick Street for Package (off-sale) Liquor
143. Fat Boys Inc DBA Firehouse Brewing Co, 610 Main Street for Package (off-sale) Liquor
144. Staple & Spice Market Inc DBA Staple & Spice Market, 601 Mt Rushmore Road for Package (off-sale) Liquor
145. Retsel Corp DBA Ramada Inn (Package Store), 1721 N LaCrosse Street for Package (off-sale) Liquor
146. Fresh Start Convenience Stores Inc. DBA Ranch Mart, 520 Birch Ave for Package (off-sale) Liquor
147. Nauman Flying Service Inc DBA Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd #103 for Package (off-sale) Liquor
148. Carol Enterprises Inc DBA Valley Liquor, 747 Timmons Blvd for Package (off-sale) Liquor
149. Carol Enterprises Inc DBA Don's Valley Express #2, 3343 N Haines Ave for Package (off-sale) Liquor
150. Derby Advertising Inc DBA Canyon Lake Chophouse, 2720 Chapel Lane for Package (off-sale) Liquor
151. LaCroix Investments DBA Bus's Bottle Shop, 615 E North Street for Package (off-sale) Liquor
152. Safeway Stores 46 Inc DBA Safeway Store #581, 2120 Mt Rushmore Road for Package (off-sale) Liquor
153. Safeway Stores 46 Inc DBA Safeway Store #1554, 730 Mt View Road for Package (off-sale) Liquor
154. Sully Enterprises LLC DBA North Street Smoke Shop, 634 E North Street for Package (off-sale) Liquor
155. Sully Enterprises LLC DBA Common Cents, 2808 Sheridan Lake Road for Package (off-sale) Liquor
156. Nash Finch Company DBA Family Thrift Liquor #253, 1516 E St Patrick Street for Package (off-sale) Liquor

157. Nash Finch Company DBA Family Thrift Center #254, 855 Omaha Street for Package (off-sale) Liquor
158. Nash Finch Company DBA Prairie Bottle Market #43, 13 New York Street for Package (off-sale) Liquor
159. Nash Finch Company DBA FTC Express #257, 3460 Sturgis Road for Package (off-sale) Liquor
160. Nash Finch Company DBA Family Thrift Center #265, 751 Mountain View Road for Package (off-sale) Liquor
161. Bach Investment Inc DBA Hideaway Casino, 1575 N LaCrosse St, Suite D for Package (off-sale) Liquor
162. Yellow Robe Enterprises LLC DBA Dacotah Liquors, 418 Knollwood Dr for Package (off-sale) Liquor
163. Sam's West Inc DBA Sam's Club #6565, 1020 LaCrosse Street for Package (off-sale) Liquor
164. Canyon Lake Liquors LTD DBA Canyon Lake Liquors, 4244 Canyon Lake Drive for Package (off-sale) Liquor
165. Orris Enterprises Inc DBA Vino 100 & Tinder Box, 520 7th Street #520 for Package (off-sale) Liquor
166. Smith's Liquor Gallery Inc DBA Smith's Liquor Gallery, 2218 Jackson Blvd Suite 1 for Package (off-sale) Liquor
167. Lily Corp DBA Flowers by LeRoy, 2016 W Main Street for Package (off-sale) Liquor
168. Dakotas Best & Brown Bag Deli Inc DBA Dakota's Best & Brown Bag Deli, 818 Main Street for Package (off-sale) Liquor

Retail (on-off sale) Wine License Renewals for 2011

169. Yeung Inc DBA Imperial Chinese Restaurant, 702 E North Street for Retail (on-off sale) Wine
170. WR Rapid City Ventures LP DBA OakLeaf Beer Garden, 2213 LaCrosse Street for Retail (on-off sale) Wine
171. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Highway 16 #G for Retail (on-off sale) Wine
172. Dadah Kids Corp DBA Pauly's Pizzeria & Sub Co, 1624 E St Patrick Street #101 for Retail (on-off sale) Wine
173. Late Harvest Inc DBA Tally's Silver Spoon, 530 6th Street for Retail (on-off sale) Wine
174. Mai T Goodsell DBA Saigon Restaurant, 221 E North Street for Retail (on-off sale) Wine
175. Leather Unlimited Inc DBA Someone's In The Kitchen, 2210 Haines Ave for Retail (on-off sale) Wine

176. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6th Street for Retail (on-off sale) Wine
177. Century Motels Inc DBA Howard Johnson Express Inn & Suites, 950 North Street for Retail (on-off sale) Wine
178. Linda & Frank Morrison DBA Thirstys, 819 Main Street for Retail (on-off sale) Wine
179. Rapid City Arts Council Inc DBA Dahl Arts Center, 713 7th Street for Retail (on-off sale) Wine
180. Lisa Holbrook DBA The Beanery, 201 Main Street for Retail (on-off sale) Wine
181. HK Buffet LLC DBA Coco Palace, 1900 N Maple Ave for Retail (on-off sale) Wine
182. Bully Blends Coffee & Tea Inc DBA Bully Blends Coffee & Tea Shop, 908 Main Street for Retail (on-off sale) Wine
183. Botticellis Ristorante Italiano Inc DBA Botticellis Ristorante Italiano, 523 Main Street for Retail (on-off sale) Wine
184. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main Street for Retail (on-off sale) Wine
185. Piesano's Pacchia Inc DBA Piesano's Pacchia, 3618 Canyon Lake Dr #121 for Retail (on-off sale) Wine
186. Delmonico Grill Inc DBA Delmonico Grill, 609 Main Street for Retail (on-off sale) Wine
187. Orris Enterprises Inc DBA Vino 100 & Tinder Box, 520 7th Street for Retail (on-off sale) Wine
188. S & Y Inc DBA Golden Phoenix Restaurant, 2421 W Main Street for Retail (on-off sale) Wine
189. Golden Fortune Inc DBA Golden Fortune Inc, 1118 East North Street for Retail (on-off sale) Wine
190. Mae Jean Adams DBA The Corn Exchange, 727 Main Street for Retail (on-off sale) Wine

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Hadcock, second by Brown and carried to acknowledge the applicant's withdrawal of the following alcohol requests: 100. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Wine (New License for FY 2011); 101. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Malt Beverage; and 102. Wal-Mart Stores Inc. DBA Walmart #1604, 1200 N. Lacrosse Street for Retail (on-off sale) Wine license

NON-CONSENT PUBLIC HEARING ITEMS – Items 191 - 197

Ordinance 5693 (No. 10RZ047) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** for Lot 3A of Lot 3 of SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County,

South Dakota, located northeast corner of South Valley Drive and Orchard Lane having passed its first reading on November 1, 2010; motion was made by Hadcock, second by Kroeger that the title be read a second time with the stipulation that the Rezoning from No Use District to Medium Density Residential District be approved in conjunction with the associated Comprehensive Plan Amendment. In response to a question from Kroeger, Elkins stated that the current regulations allow replacement of a same size or smaller unit, replacement with a larger unit would require a Condition Use Permit. Elkins indicated that approval of the Mobile Home Park ordinances will permit the larger unit replacement. Elkins clarified that a Conditional Use Permit is required to expand an existing use, such as opening new park spaces. In response to a question from Petersen, Elkins indicated that the adjacent property owners support upgrading the existing park noting their concern that any future expansion of the park be completed in compliance with all regulations. Upon vote being take, the following voted AYE: Kooiker, Waugh, Brown, Mason, Petersen, Weifenbach, Davis, Hadcock and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5693 was declared and duly passed upon its second reading.

Ordinance No. 5694 (No. 10RZ049) 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 General Agriculture District to Flood Hazard District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2 of Orchard Subdivision, common to the northeasterly corner of Lot 3J of Melody Acres Subdivision and Lot 3H less the W79' of Lot 3H of Melody Acres Subdivision, the point of beginning; Thence N0°2'0"W, a distance of 20.46 feet; Thence S42°52'31"E, a distance of 71.67 feet; Thence S70°36'47"E, a distance of 47.38 feet; Thence S59°13'5"E, a distance of 94.02 feet; Thence S39°3'44"E, a distance of 32.73 feet; Thence S39°3'44"E, a distance of 6.03 feet; Thence S39°3'49"E, a distance of 106.07 feet; Thence S89°57'39"E, a distance of 110.25 feet; Thence S2°42'7"W, a distance of 10.38 feet; Thence S6°13'1"W, a distance of 220.86 feet; Thence S10°26'34"W, a distance of 306.60 feet; Thence S10°38'44"W, a distance of 700.48 feet; Thence N32°24'43"W, a distance of 185.04 feet; Thence N31°59'11"W, a distance of 89.30 feet; Thence N37°37'20"W, a distance of 26.43 feet; Thence N0°19'21"W, a distance of 105.75 feet; Thence N0°3'57"W, a distance of 24.01 feet; Thence N0°3'43"W, a distance of 31.89 feet; Thence N0°18'0"W, a distance of 464.35 feet; Thence N0°18'0"W, a distance of 21.15 feet; Thence N0°1'50"W, a distance of 21.51 feet; Thence N88°47'11"E, a distance of 0.03 feet; Thence N88°30'38"E, a distance of 12.10 feet; Thence N88°28'10"E, a distance of 8.62 feet; Thence N88°28'16"E, a distance of 48.97 feet; Thence N62°1'23"E, a distance of 45.14 feet; Thence N77°49'38"E, a distance of 15.17 feet; Thence N85°50'11"E, a distance of 20.69 feet; Thence S87°17'27"E, a distance of 15.59 feet; Thence N79°6'18"E, a distance of 10.37 feet; Thence N62°16'26"E, a distance of 15.34 feet; Thence N47°25'53"E, a distance of 15.50 feet; Thence N41°3'14"E, a distance of 11.36 feet; Thence N7°38'34"E, a distance of 65.81 feet; Thence N24°20'41"W, a distance of 19.19 feet; Thence N29°55'23"W, a distance of 15.91 feet; Thence N36°0'45"W, a distance of 15.58 feet; Thence N23°44'37"W, a distance of 15.70 feet; Thence N8°50'50"W, a distance of 15.50 feet; Thence N1°22'58"W, a distance of 25.76 feet; Thence N1°51'59"E, a distance of 51.28 feet; Thence N5°38'59"E, a distance of 37.97 feet; Thence N59°6'53"W, a distance of 213.86 feet; Thence N0°1'46"W, a distance of 26.4 feet; Thence N0°2'1"W, a distance of 61.87 feet, to the Point of Beginning, located south of Orchard Lane, east of Melody Lane and west of Elk Vale Road having passed its first reading on November 15, 2010; motion was made by Hadcock, second by Waugh that the title be read a second time. In response to a question from Weifenbach, Elkins stated that the property is City owned and is being rezoned in accordance with the adopted Rapid Creek Floodplain Policy. Elkins identified the location of the property in relationship to the property being offered for sale. Elkins addressed the City and County flood regulations and the FEMA regulations. Upon vote being take, the following voted AYE: Kooiker, Waugh, Brown, Mason, Petersen, Weifenbach, Davis, Hadcock and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5694 was declared and duly passed upon its second reading.

Ordinance 5696 (No. 10RZ051) 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 Flood Hazard District for Lot A, Watco Subdivision, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°49'47"E, a distance of 267.39 feet, to the Point of Beginning; Thence N27°19'59"W, a distance of 41.2 feet; Thence N48°37'18"W, a distance of 52.63 feet; Thence N45°34'10"W, a distance of 46.47 feet; Thence N50°3'48"W, a distance of 45.39 feet; Thence N50°3'48"W, a distance of 8.88 feet; Thence N57°6'52"W, a distance of 32.34 feet; Thence N49°19'19"W, a distance of 48.49 feet; Thence N49°19'19"W, a distance of 28.29 feet; Thence N46°0'51"W, a distance of 37.48 feet; Thence N50°3'44"W, a distance of 67.83 feet; Thence N56°26'49"W, a distance of 47.61 feet; Thence N70°17'17"W, a distance of 60.3 feet; Thence N77°50'13"W, a distance of 32.62 feet; Thence N77°50'13"W, a distance of 23.48 feet; Thence N71°11'49"W, a distance of 18.64 feet; Thence N71°11'49"W, a distance of 23.58 feet; Thence N67°41'4"W, a distance of 16.94 feet; Thence N67°41'4"W, a distance of 3.95 feet; Thence N67°41'4"W, a distance of 8.62 feet; Thence N47°5'21"W, a distance of 1.68 feet; Thence N0°2'51"E, a distance of 21.56 feet; Thence N0°3'8"E, a distance of 145.14 feet; Thence N0°3'6"E, a distance of 29.28 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'25"E, a distance of 14.64 feet; Thence N0°3'0"E, a distance of 14.64 feet; Thence N0°3'3"E, a distance of 80.62 feet; Thence N0°3'9"E, a distance of 31.86 feet; Thence N0°3'7"E, a distance of 35.27 feet; Thence N0°3'7"E, a distance of 140.31 feet; Thence N82°40'40"E, a distance of 8.50 feet; Thence S84°19'25"E, a distance of 119.91 feet; Thence S87°35'57"E, a distance of 117.28 feet; Thence S83°0'42"E, a distance of 92.43 feet; Thence S82°22'58"E, a distance of 62.46 feet; Thence S88°43'21"E, a distance of 48.28 feet; Thence S83°8'37"E, a distance of 84.02 feet; Thence S47°5'22"E, a distance of 61.15 feet; Thence S24°4'7"E, a distance of 106.77 feet; Thence S17°9'25"E, a distance of 32.12 feet; Thence S38°30'23"E, a distance of 37.57 feet; Thence S54°1'34"E, a distance of 36.35 feet; Thence S63°42'22"E, a distance of 38.06 feet; Thence S63°56'50"E, a distance of 32.92 feet; Thence S65°5'37"E, a distance of 40.16 feet; Thence S54°20'28"E, a distance of 52.93 feet; Thence S49°26'2"E, a distance of 65.36 feet; Thence S53°30'18"E, a distance of 47.84 feet; Thence S58°48'44"E, a distance of 48.06 feet; Thence S56°4'38"E, a distance of 46.65 feet; Thence S85°21'20"E, a distance of 42.93 feet; Thence S88°43'21"E, a distance of 57.98 feet; Thence S85°23'5"E, a distance of 47.88 feet; Thence S58°52'1"E, a distance of 75.61 feet; Thence S46°26'55"E, a distance of 36.52 feet; Thence S42°40'43"E, a distance of 33.73 feet; Thence S0°12'24"W, a distance of 17.84 feet; Thence S0°12'23"W, a distance of 60.05 feet; Thence S0°12'38"W, a distance of 25.62 feet; Thence S58°52'29"E, a distance of 207.57 feet; Thence S5°53'23"W, a distance of 36.85 feet; Thence S2°6'23"W, a distance of 49.77 feet; Thence S1°8'34"E, a distance of 25.00 feet; Thence S8°36'26"E, a distance of 15.05 feet; Thence S23°30'13"E, a distance of 15.24 feet; Thence S35°46'21"E, a distance of 15.13 feet; Thence S29°40'59"E, a distance of 15.45 feet; Thence S24°6'17"E, a distance of 18.63 feet; Thence S7°52'58"W, a distance of 63.88 feet; Thence S41°17'38"W, a distance of 11.02 feet; Thence S47°40'17"W, a distance of 15.05 feet; Thence S62°30'50"W, a distance of 14.89 feet; Thence S79°20'42"W, a distance of 10.07 feet; Thence N87°3'3"W, a distance of 15.13 feet; Thence S86°4'35"W, a distance of 20.08 feet; Thence S78°4'2"W, a distance of 14.72 feet; Thence S62°15'47"W, a distance of 43.81 feet; Thence S88°42'40"W, a distance of 47.53 feet; Thence S88°42'34"W, a distance of 8.37 feet; Thence S88°45'2"W, a distance of 11.74 feet; Thence S89°1'36"W, a distance of 0.03 feet; Thence S0°12'34"W, a distance of 20.88 feet; Thence S0°3'36"E, a distance of 471.22 feet; Thence S0°10'41"W, a distance of 30.95 feet; Thence N62°50'7"W, a distance of 265.43 feet; Thence N61°50'6"W, a distance of 22.72 feet; Thence N62°45'12"W, a distance of 166.15 feet; Thence N62°45'27"W, a distance of 41.57 feet; Thence N22°6'51"W, a distance of 44.54 feet; Thence N23°14'16"W, a distance of 87.70 feet; Thence N34°1'57"W, a distance of 7.61 feet; Thence N34°2'17"W, a distance of 72.57 feet; Thence N34°2'23"W, a distance of 29.20 feet; Thence N34°2'16"W, a distance of 64.17 feet; Thence S89°49'40"W, a distance of 147.14 feet, to the Point of Beginning, located west of Elk Vale Road, east of South Valley Drive between Orchard Lane and Scott Street having passed it first reading on November 1, 2010; motion was made by Hadcock, second by Davis that the title be read a second time. In response to a question from Hadcock, Martin stated that he

understood some of the flood regulations noting his concern with the camping prohibition. Martin expressed concern that the rezone may be an attempt to take the property. Elkins indicated that camping is not a permitted use in the flood hazard zoning district. Elkins stated that public meetings were held with the affected property owners at the recommendation of the Future Land Use committee. Elkins indicated that several individuals are concerned with the rezone and have approached the City regarding the city purchasing their properties. Elkins indicated that currently there is no program in place to facilitate the purchase of these properties. Elkins clarified that these properties are located within the hydraulic floodway. Elkins stated that the Lemmon Street properties are designated floodplain noting that improvements are permitted if properly elevated. Elkins clarified that the adopted flood policy directs that properties located in the hydraulic floodplain be zoned flood hazard.

A substitute motion was made by Kooiker, second by Weifenbach to continue the request to the January 18, 2011 City Council meeting with a review at the January 11, 2011 Public Works Committee.

Kooiker requested clarification of the FEMA designation of hydraulic floodway and requested that the affected property owners be advised of the new meeting dates. Brown encouraged Martin to contact him or Elkins with questions and concerns on the rezoning request. Petersen indicated that it is not the City's intent to take any property. Weifenbach requested that the FEMA and Flood Hazard District regulations be linked to the agenda. Discussion followed regarding providing questions and concerns to staff at the first reading to permit the answers to be presented at second reading and eliminate the need to continue items. The substitute motion to continue carried.

Motion was made by Hadcock, second by Weifenbach and carried to continue (No. 10RZ052) Second Reading, Ordinance 5697, 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 Mobile Home Residential District to Flood Hazard District** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°35'42"E, a distance of 275.506 feet, to the Point of Beginning; Thence N89°34'29"E, a distance of 114.623 feet; Thence N89°35'30"E, a distance of 35.008 feet; Thence N89°32'40"E, a distance of 1.957 feet; Thence S34°16'40"E, a distance of 66.118 feet; Thence S34°16'47"E, a distance of 30.08 feet; Thence S34°16'41"E, a distance of 74.766 feet; Thence S34°16'20"E, a distance of 7.841 feet; Thence S23°6'1"E, a distance of 91.574 feet; Thence S23°5'50"E, a distance of 44.668 feet; Thence S62°59'51"E, a distance of 42.824 feet; Thence S62°59'36"E, a distance of 171.187 feet; Thence S63°3'4"E, a distance of 6.733 feet; Thence S62°59'41"E, a distance of 17.66 feet; Thence S62°59'43"E, a distance of 272.49 feet; Thence S0°3'57"E, a distance of 24.008 feet; Thence S0°18'48"E, a distance of 105.73 feet; Thence N37°37'20"W, a distance of 45.453 feet; Thence N48°21'41"W, a distance of 69.026 feet; Thence N56°19'31"W, a distance of 82.587 feet; Thence N67°6'20"W, a distance of 123.553 feet; Thence N72°27'9"W, a distance of 101.734 feet; Thence N41°48'54"W, a distance of 101.977 feet; Thence N55°26'11"W, a distance of 123.248 feet; Thence N69°45'34"W, a distance of 24.993 feet; Thence N83°51'7"W, a distance of 33.268 feet; Thence N52°11'37"W, a distance of 37.296 feet; Thence N57°37'27"W, a distance of 52.039 feet; Thence N47°17'28"W, a distance of 31.032 feet; Thence N41°43'55"W, a distance of 34.971 feet; Thence N26°10'27"W, a distance of 40.358 feet; Thence N8°9'47"W, a distance of 67.685 feet; Thence N20°43'29"W, a distance of 34.975 feet; Thence N25°31'42"W, a distance of 27.14 feet; Thence N27°34'23"W, a distance of 12.229 feet, to the point of beginning, located west of Elk Vale Road, east of South Valley Drive between Melody Lane and Scott Street to the January 18, 2011 City Council meeting with a review at the January 11, 2011 Public Works Committee.

Ordinance 5698 (No. 10RZ053) 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** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as

follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, the Point of Beginning; Thence N0°0'44"E, a distance of 162.84 feet; Thence N0°0'42"E, a distance of 73.27 feet; Thence N89°58'50"W, a distance of 250.12 feet; Thence N0°2'31"E, a distance of 124.99 feet; Thence S47°5'21"E, a distance of 1.71 feet; Thence S67°41'4"E, a distance of 8.62 feet; Thence S67°41'4"E, a distance of 20.89 feet; Thence S71°11'49"E, a distance of 23.58 feet; Thence S71°11'49"E, a distance of 18.64 feet; Thence S77°50'13"E, a distance of 56.10 feet; Thence S70°17'17"E, a distance of 60.30 feet; Thence S56°26'49"E, a distance of 47.61 feet; Thence S50°3'44"E, a distance of 39.42 feet; Thence S50°3'44"E, a distance of 28.41 feet; Thence S46°0'51"E, a distance of 37.48 feet; Thence S49°19'19"E, a distance of 76.77 feet; Thence S57°6'52"E, a distance of 32.34 feet; Thence S50°3'48"E, a distance of 54.27 feet; Thence S45°34'10"E, a distance of 46.47 feet; Thence S48°37'18"E, a distance of 52.63 feet; Thence S27°19'59"E, a distance of 41.20 feet; Thence S89°49'46"W, a distance of 267.39 feet, to the Point of Beginning, located south of Melody Lane, North of Terra Street and east of South Valley Drive having passed its first reading on November 15, 2010; motion was made by Hadcock, second by Waugh, that the title be read a second time. Upon vote being take, the following voted AYE: Kooiker, Waugh, Brown, Mason, Petersen, Weifenbach, Davis, Hadcock and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5698 was declared and duly passed upon its second reading.

Ordinance 5699 (No. 10RZ054) 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** for a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 2 of Orchard Subdivision, thence N0°02'00"W, a distance of 469.7 feet, Thence N82°0'00"W, a distance of 175.5 feet, to the point of beginning; Thence S0°1'59"E, a distance of 174.25 feet; Thence S0°0'11"E, a distance of 206.66 feet; Thence N89°6'47"W, a distance of 46.76 feet; Thence N85°44'46"W, a distance of 43.99 feet; Thence N56°28'4"W, a distance of 47.80 feet; Thence N59°12'10"W, a distance of 49.24 feet; Thence N53°53'44"W, a distance of 10.61 feet; Thence N53°53'44"W, a distance of 38.41 feet; Thence N49°49'28"W, a distance of 66.97 feet; Thence N54°43'54"W, a distance of 54.24 feet; Thence N65°29'3"W, a distance of 41.15 feet; Thence N64°20'16"W, a distance of 33.73 feet; Thence N64°5'48"W, a distance of 39.00 feet; Thence N54°25'0"W, a distance of 37.25 feet; Thence N38°53'49"W, a distance of 38.50 feet; Thence N17°32'51"W, a distance of 32.91 feet; Thence N24°27'33"W, a distance of 25.06 feet; Thence N24°27'33"W, a distance of 36.59 feet; Thence N24°27'33"W, a distance of 15.41 feet; Thence N24°27'33"W, a distance of 32.35 feet; Thence N47°28'48"W, a distance of 62.66 feet; Thence N83°32'3"W, a distance of 86.09 feet; Thence N89°6'47"W, a distance of 49.48 feet; Thence N82°46'24"W, a distance of 64.00 feet; Thence N83°24'8"W, a distance of 94.71 feet; Thence N87°59'23"W, a distance of 90.26 feet; Thence N87°59'25"W, a distance of 29.92 feet; Thence N84°42'51"W, a distance of 122.87 feet; Thence S82°21'25"W, a distance of 8.71 feet; Thence N0°27'58"W, a distance of 1.82 feet; Thence N0°20'19"W, a distance of 83.27 feet; Thence N7°47'29"W, a distance of 16.18 feet; Thence S81°32'46"E, a distance of 545.36 feet; Thence S81°36'6"E, a distance of 579.72 feet; Thence S0°15'20"W, a distance of 15.64 feet; Thence S0°1'58"E, a distance of 16.18 feet, to the Point of Beginning, located south of Orchard Lane, east of South Valley Drive, north of Melody Lane and west of Elk Vale Road having passed its first reading on November 15, 2010; motion was made by Hadcock, second by Petersen, that the title be read a second time. Upon vote being take, the following voted AYE: Kooiker, Waugh, Brown, Mason, Petersen, Weifenbach, Davis, Hadcock and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance 5699 was declared and duly passed upon its second reading.

Motion was made by Kooiker, second by Waugh and carried to approve (No. 10VR008) A request by Chamberlin Architects for Destination Rapid City for a **Vacation of Right-of-Way** for a portion of the alley right-of-way adjacent to Lots 24 thru 32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the alley adjacent to 502, 508, 510 and 512 Main Street with the following stipulations: 1. Prior to City

Council approval, the applicant shall demonstrate that the remaining alley right-of-way is sufficient to accommodate the turning radius for vehicles exiting the parking garage located along the north side of the alley; and, 2. Prior to City Council approval, the applicant shall secure a utility easement for the proposed area to be vacated and shall enter an agreement which holds the private and public utilities harmless for any damages due to the construction or maintenance of utilities within this area.

RESOLUTION NO. 2010 – 156
RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS, it appears that a portion of the alley right-of-way adjacent to Lots 24 thru 32 of Block 75 of the Original Townsite of the City of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located adjacent to 502, 508, 510 and 512 Main Street, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 6th day of December, 2010.

ATTEST:
s/ Jeff Barbier
Acting Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

BILLS

The following bills have been audited.

BILL LIST - DECEMBER 06, 2010	
P/ROLL PERIOD END 11/06/10, PD 11/12/10	858,178.55
CDEV P/ROLL PERIOD END 11/06/10, PD 11/12/10	2,837.84
ARRA CDEV P/ROLL PERIOD END 11/06/10, PD 11/12/10	821.36
P/ROLL PERIOD END 11/20/10, PD 11/24/10	876,001.51
CDEV P/ROLL PERIOD END 11/20/10, PD 11/24/10	8,039.92
ARRA CDEV P/ROLL PERIOD END 11/20/10, PD 11/24/10	821.36
SUPP P/ROLL PERIOD END 11/20/10, PD 11/24/10	454.72
SUPP P/ROLL PERIOD END 11/20/10, PD 11/24/10	871.22
P/ROLL PERIOD END 11/30/10, PD 11/30/10	1,192,944.28
PIONEER BANK & TRUST - 11/06/10 P/ROLL TAXES, PD 11/12/10	199,845.00
CDEV PIONEER BANK & TRUST - 11/06/10 P/ROLL TAXES, PD 11/12/10	188.57
ARRA CDEV PIONEER BANK & TRUST - 11/06/10 P/ROLL TAXES, PD 11/12/10	56.95
PIONEER BANK & TRUST - 11/20/10 P/ROLL TAXES, PD 11/24/10	202,739.67
CDEV PIONEER BANK & TRUST - 11/20/10 P/ROLL TAXES, PD 11/24/10	550.67
ARRA CDEV PIONEER BANK & TRUST - 11/20/10 P/ROLL TAXES, PD 11/24/10	56.82

PIONEER BANK & TRUST - 11/30/10 P/ROLL TAXES, PD 11/30/10	285,005.34
FIRST ADMINISTRATORS - CLAIMS THROUGH 11/15/10, PD 11/17/10	103,652.20
FIRST ADMINISTRATORS - CLAIMS THROUGH 11/22/10, PD 11/24/10	185,693.46
FIRST ADMINISTRATORS - CLAIMS THROUGH 11/29/10, PD 12/01/10	81,860.09
BERKLEY RISK ADMINISTRATORS - CLAIMS FOR NOVEMBER, PD 12/02/10	44,147.80
BLACK HILLS POWER & LIGHT - ELECTRICITY, PD 11/19/10	196,917.86
MONTANA DAKOTA UTILITIES - NATURAL GAS, PD 11/19/10	18,026.25
BANK WEST - TID44 MALL DRIVE, PD 11/22/10	417,087.77
BANK WEST - TID47 TOWER RD, PD 11/22/10	8,926.76
BANK WEST - TID54 RAINBOW RIDGE, PD 11/22/10	104,717.39
BANK WEST - TID55 MALLRIDGE LIFT STATION, PD 11/22/10	168,793.45
BANK WEST - TID56 RUSHMORE CROSSING, PD 11/22/10	254,332.13
BANK WEST - TID63 COPPERFIELD VISTAS, PD 11/22/10	8,512.92
BANK WEST - TID65 MINNESOTA STREET, PD 11/22/10	1,343.46
BANK WEST - TID55 MALLRIDGE LIFT STATION, PD 11/23/10	901.59
CITY OF RAPID CITY - TID42 ELK VALE/TIMMONS, PD 11/22/10	202,097.72
CITY OF RAPID CITY - TID55 MALLRIDGE LIFT STATION, PD 11/22/10	2,050.00
CITY OF RAPID CITY - TID55 MALLRIDGE LIFT STATION, PD 11/22/10	75,419.22
DACOTAH BANK - TID40 GANDOLF, PD 11/22/10	4,185.03
FIRST INTERSTATE BANK - TID39 AR GROUP LLC, PD 11/22/10	7,592.74
FIRST INTERSTATE BANK - TID41 STONERIDGE LLC, PD 11/22/10	130,059.37
FIRST INTERSTATE BANK - TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 11/22/10	48,133.74
FIRST NATIONAL BANK - TID33 FENSKE MEDIA, PD 11/22/10	48,494.75
FIRST NATIONAL BANK - TID53 STONEY CREEK PLAZA, PD 11/22/10	691.70
GREAT WESTERN BANK - TID35 CHILDREN'S HOME, PD 11/22/10	17,686.53
GREAT WESTERN BANK - TID38 HEARTLAND RETAIL CENTER, PD 11/22/10	108,893.03
PIONEER BANK & TRUST - TID48 BWWW ENTERPRISES, PD 11/22/10	5,815.12
SD HOUSING DEVELOPMENT AUTHORITY - TID 51 KATELAND, PD 11/22/10	63,141.41
US BANK NA - TID61 VILLAGIO, PD 11/22/10	98,655.43
SD DEPT OF REVENUE - CCTR SALES TAX PAYABLE, PD 11/22/10	17,209.09
SD DEPT OF REVENUE - EXCISE TAX PAYABLE, PD 11/22/10	583.39
SD DEPT OF REVENUE - SALES TAX PAYABLE, PD 11/22/10	34,372.33
SD RETIREMENT SYSTEM - NOV 10 RETIREMENT, PD 12/03/10	372,428.24
C DEV SD RETIREMENT SYSTEM - NOV 10 RETIREMENT, PD 12/03/10	652.68
ARRA SD RETIREMENT SYSTEM - NOV 10 RETIREMENT, PD 12/03/10	98.56
US BANK - CREDIT CARD CHARGES, PD 12/02/10	18,103.83
COMPUTER BILL LIST	4,268,204.05
SUBTOTAL	10,748,894.87
RSVP - P/ROLL PERIOD END 11/06/10, PD 11/12/10	2,854.71
RSVP - 11/06/10 P/ROLL TAXES, PD 11/12/10	218.39
RSVP - P/ROLL PERIOD END 11/20/10, PD 11/24/10	2,843.07
RSVP - 11/20/10 P/ROLL TAXES, PD 11/24/10	217.50
RSVP - CITY-UNEMPLOYMENT INSURANCE 2010	133.00
RSVP - KNOLOGY OCT 10 PHONE LD 30.17	
RSVP - CITY OF RAPID CITY-POSTAGE0.36	
RSVP - SD RETIREMENT NOV 10 RETIREMENT, PD 12/03/10	325.24
TOTAL	10,755,517.31

Barbier requested to add the following payments: Hallmark Inc in the amount of \$1,654.70, Quinn Construction Inc. in the amount of \$7,766.26 and Site Work Specialists Inc. in the amount of \$4,122.15. The new bill list total is \$10,769,060.41.

Motion was made by Petersen, second by Kroeger to authorize (No. CC120610-01) the Acting Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof. Kooiker requested clarification of the Argus Leader subscription billing. Mayor Hanks indicated that his direction was to not renew the subscription and requested that Barbier review the billing. Kooiker commented on the fuel billing for a Pierre trip and encouraged staff to utilize city vehicles when possible. Kooiker stated that he would visit with the Library regarding the Amazon.com charges and encouraged the City to conduct business with local merchants. Motion carried.

EXECUTIVE SESSION

Motion was made by Waugh, second by Brown and carried to go into Executive Session for the purposes permitted by SDCL 1-25-2 at 10:37 p.m. Motion was made by Davis, second by Hadcock to come out of Executive Session at 11:11 p.m. with all members present.

STAFF DIRECTION

Motion was made by Mason, second by Petersen to impose the IAFF Contract with the deletions as identified. A substitute motion was made by Kooiker to impose the IAFF Contract without the deletions as identified. Substitute motion failed for lack of second. Kooiker stated that imposing the contract with deletions is an unnecessary action and recommended allowing the union the opportunity to respond to the deletions. Hadcock indicated that the action does not impair the fire fighters status as a union, the union will continue to exist and the City will continue to negotiate with the union. Hadcock stated that the grievance process is fully intact. Discussion continued regarding the negotiations and the recommendation of the imposition action. Hadcock stated that the union has not signed the contract as amended noting the need to put the interests of the city taxpayer first. Petersen voiced support for the motion noting that as the union has failed to sign the contract the City must at some point impose the contract for the benefit of the citizens. Kooiker expressed concern with the limited review time provided Council noting that Council is being asked to vote on an item they have just received. Mason indicated that the City has been in negotiations with the union for over a year noting that at some point a decision must be made. Petersen stated that the City continues to support the fire fighters and all city employees. In response to a question from Weifenbach, Green indicated that the contract deletions do not deny the fire fighters from being involved in the union. Upon vote being taken the motion carried with the following voting AYE: Waugh, Brown, Mason, Petersen, Weifenbach, Davis, Hadcock, and Kroeger; the following voting NO: Kooiker. Motion carried.

ADJOURN

There being no further business to come before the Council, motion was made by Davis, second by Waugh and carried to adjourn at 11:25 p.m.