

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

January 19, 2010

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Tuesday, January 19, 2010 at 7:00 P.M.

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

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

### **ADOPTION OF AGENDA**

The following items were added to the agenda:

- Correct Item 79 as follows: Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of a sidewalk along the north side of E. North Street and to install a sewer main along Century Road as they abut the unplatted portion of the NW1/4SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lots 3 and 4 located in the NW1/4SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, located at intersection of East North Street and North Cambell Street.
- Correct Item 56 as follows: Authorize the Mayor and Finance Officer to sign release of terms of agreements for easements
- Summary of the Black Hills Business Development Center Report, Alderman Olson

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

### **APPROVE MINUTES**

Motion was made by LaCroix, second by Olson and carried to approve minutes for January 4, 2010 with the attached correction (No. CC011910-03).

### **AWARDS AND RECOGNITIONS**

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

Mayor Hanks presented a Certificate of Recognition to the following City employees and acknowledged their dedicated service to the Rapid City community: Ron Barber, Water Department, Retirement after 24 years; Lt. Todd Duda, Fire Department, 20 years; Lon VanDeusen, Parks and Recreation, 35 years; Charlie Chercus, Parks and Recreation; 20 years; Steve Burgad, Civic Center, 20 years; and Manuel Davila, Civic Center, 30 years.

### **NON-PUBLIC HEARING ITEMS** -- Items 3 – 59

Motion was made by Costello, second by LaCroix and carried to open the public comment for items 3 – 45. Brian Gonzalez addressed Item 12 and said he did not do anything to hamstring the project. He spoke in opposition to approval of the Covenant Agreement. Bob Brandt urged the Council to uphold the recommendation to approve the Covenant Agreement. Hani Shafai explained the reason for the exception request in Item 16 and showed how the home owners want to divide the lots. He said the density will allow no conflict in traffic.

Motion was made by Olson, second by Waugh and carried to close the public comment for items 3 – 45.

**CONSENT ITEMS** – Items 3 – 36

The following items were removed from the Consent Items:

12. No. PW011210-08 - Authorize Mayor and Finance Officer to Sign a Covenant Agreement Between the City of Rapid City and Frontera Chicos, LLC, for an Exception to Allow Plat to be Approved with Stipulations
15. No. 09RD007 - Approve a request by City of Rapid City to consider an application for a **Resolution for a Road Name Change on a portion of St. Martin's Drive to City Springs Road** on 100 foot wide St. Martins Drive right-of-way located in the SE1/4 of the NW1/4, NE1/4 of the SW1/4 and the W1/2 of the SE1/4, all located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road and south of Hidden Valley Road.
16. No. 09EX139 – Deny the Request for an Exception to waive the requirement for a second access for 81 dwelling units regarding the proposed Lots 1, 2 and 3 of Block 1 of Spring Canyon Estates, Section 6, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

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

***Vacations of Right-Of-Way Set for Hearing (February 16, 2010)***

3. No. 09VR010 - A request by Ferber Engineering Company for South Dakota Game Fish and Parks for a **Vacation of Right-of-way** of , legally described as North 40th Street Right-of-Way located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as: Commencing at a found plastic cap marked Renner #2652 at the Northwest corner of Lot 4 of Block 1 of Tract G of Meadowwood along the southern right-of-way line of Dean Lane, the true point of beginning; THENCE, S01°57'54"W, a distance of 149.60' feet along the east right-of-way line to a found cap marked Polenz #4208; THENCE, S01°57'54"W, a distance of 130.02 feet along the east right-of-way line; THENCE, N88°03'10"E, a distance of 60.06 feet; THENCE, N01°58'10"E, a distance of 279.68 feet along the west right-of-way line to a found cap marked FMG #4225; THENCE, N00°22'58"E, a distance of 89.86 feet along the west right-of-way line to a found cap marked Renner #2652; THENCE, S88°00'09"E, a distance of 60.09 feet along the north right-of-way line; THENCE, S02°03'12"W, a distance of 60.58 feet to the true point of beginning, located at the northern terminus of North 40th Street and west of Sturgis Road.

***Alcoholic Beverage License Applications Set for Hearing (February 1, 2010)***

4. Central Baseball Association for a Special Event Beer License for an event scheduled February 27, 2010 at the National Guard Armory on Range Road.

**Public Works Committee Consent Items**

5. No. PW011210-01 – Approve a Request from Hewey Clemmons to Connect to the Rapid City Sanitary Sewer System.
6. No. PW011210-02 – Acknowledge the report on 2009 & 2010 ADA Improvements in the Public Right-of-Way.
7. No. PW011210-03 – Approve Change Order No. 2 to Rangel Construction Co., LLC for Fire Station #7, Project No. FD08-1767, for an increase of \$29,933.48.
8. No. PW011210-04 – Authorize Staff to Advertise for Bids for Saint Joseph Street Landscaping, Project No. ST09-1818 / CIP No. 50771. Funding to be provided by federal stimulus and Stearns Foundation grant. Estimated cost of project: \$300,000.00.
9. No. PW011210-05 – Authorize Staff to Advertise for Bids for Street Division Sander Spreader Truck. 2010 Budgeted Item. Estimated cost of equipment: \$230,000.00.
10. No. PW011210-06 – Authorize Staff to Advertise for Bids for WRF UV Disinfection System HVAC, Project No. WRF09-1822 / CIP No. 50773. Estimated cost of project: \$40,000.00.
11. No. PW011210-07 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement with FMG, Inc. for Jackson Boulevard Utilities, Project No. SSW09-1509 / CIP No. 50351, in the amount of \$6,680.00.
13. No. PW011210-09 – Approve a Resolution Establishing Time and Place for Hearing on Assessment Roll for the Tower Road Water Main Loop, Project No. W09-1786 / CIP No. 50753.

RESOLUTION #2010-005  
 RESOLUTION FIXING TIME AND PLACE FOR  
 HEARING ON ASSESSMENT ROLL FOR  
 TOWER ROAD WATER MAIN LOOP  
 PROJECT W09-1786/CIP #50753

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

1. The Assessment Roll for Tower Road Water Main Loop Project W09-1786 / CIP 50753 was filed in the Finance Office on the 19th day of January 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 16th of February 2010 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last

mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 14. No. PW011210-10 – Authorize Staff to Seek Proposals for Engineering Services for Canyon Lake Drive Reconstruction, Project WTP10-878 / CIP #50004.
- 17. No. PW011210-11 – Authorize Mayor and Finance Officer to Sign a Covenant Agreement with Hewey and Jill Clemmons.

**Legal & Finance Committee Consent Items**

- 18. Acknowledge withdrawal by Sylvia Conrad of request for abatement of special assessments.
- 19. No. LF011310-01- Acknowledge report from Mike Miles on 2009 All Nighter Adult Softball Tournament and moved to approve request for All Nighter Adult Softball Tournament to be held June 18-19, 2010.
- 20. Acknowledge the report by Stephanie Schweitzer Dixon of Front Porch Coalition regarding a grant application for suicide prevention, training, and education in the community and moved to recommend that the City Council prepare a letter in support of the grant application.
- 21. No. LF011310-02 – Confirm reappointment of Steve Malone (Two Year Term) and confirm appointment of Charles (Buzz) Hammerquist to the Mechanical Board (both terms to expire December 31, 2011).
- 22. No. LF011310-03 – Confirm appointment of Doug Rumpca and Dan Hop to the Sign Contractor Board (to replace Daniel Wegner and Sean Casey) (terms to expire December 31, 2011).
- 23. No. LF011310-24 - Acknowledge discussion on the Lemmon Street properties.
- 24. No. LF011310-06 – Authorize Mayor and Finance Officer to sign Engagement Letter with Casey Peterson & Associates for the 2009 Annual Audit with cost not to exceed \$32,000.
- 25. Authorize Finance Office to go out for RFP's for audit services for the year 2010, with the option of renewing for years 2011 and 2012.
- 26. No. LF011310-09 – Approve Resolution (#2010-002) Establishing Encumbrances.

RESOLUTION 2010-002  
RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2009 operations of the City of Rapid City totaling \$2,797,270.51, and

WHEREAS it is desirable that these bills be charged to the 2009 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2009, in the amount of \$2,797,270.51.

**GENERAL FUND 0101**

0101 MAYOR & COUNCIL	3,635.70	
0103 COMMUNITY RESOURCES	192.92	
0104 FINANCE	8,813.86	
0105 GIS MAPPING	651.47	
0106 ATTORNEY	2,640.48	
0108 PUBLIC WORKS ADMINISTRATION	20,347.89	
0109 GENERAL GOVERNMENT BUILDINGS	3,828.82	
0111 HUMAN RESOURCES	2,797.51	
0199 DISPATCH CENTER	87,130.91	
0201 POLICE	115,082.16	
0202 FIRE	126,266.60	
0204 DEVELOPMENT SERVICE CENTER	19,388.98	
0205 TRAFFIC ENGINEERING	17,009.01	
0207 COMMUNITY PLANNING DIVISION	2,102.92	
0301 STREETS & HIGHWAYS	9,260.13	
0302 SNOW REMOVAL	28,268.75	
0304 STREET LIGHTING	464.76	
0305 EQUIPMENT MAINTENANCE	8,119.04	
0401 STREET CLEANING	198,747.63	
0501 DETOXIFICATION CENTER	35,500.00	
0601 RECREATION	2,047.22	
0603 ICE ARENA	3,640.21	
0607 PARKS DEPARTMENT	19,188.89	
0609 LIBRARY	46,833.08	
0610 LIBRARY RURAL	8,237.04	
0612 SWIMMING POOL	8,889.43	
0618 PUBLIC TRANSPORTATION	36,014.86	
0620 PARK & RECREATION ADMINISTRATN	2,306.74	
0705 GROWTH MANAGEMENT	10.98	
0706 TRANSPORTATION PLANNING	58,656.11	
0707 HISTORIC PRESERVATION	30.45	
0708 AIR QUALITY	452.49	
0711 CODE ENFORCEMENT	1,280.93	
0713 SIGN CODE ENFORCEMENT	412.29	
0714 COMMUNITY DEVELOPMNT NON-GRANT	468.36	
6024 INFORMATION TECHNOLOGY	9,827.88	
9202 HAZARDOUS MATERIALS	5,264.66	893,811.16
TID 33 FENSKE MEDIA 0103		
0110 TID 33 FENSKE MEDIA		30,714.10
2012 FUND 0107		
0132 SPECIAL PROJECTS	29,671.65	
0135 STREET IMPROVEMENTS	25,035.01	54,706.66

OCCUPANY TAX 0253 0761 OCCUPANCY TAX		52,609.45
TID 55 MALL RIDGE LIFT STN 0470 0778 TID 55 MALL RIDGE LIFT STN		40,627.49
TID 56 RUSHMORE CROSSING 0471 0779 TID 56 RUSHMORE CROSSING		43,655.83
TID 54 RAINBOW RIDGE 0473 0782 TID 54 RAINBOW RIDGE		7,922.02
TID 44 MALL/DYESS 0478 0787 TID 44 MALL/DYESS		23,033.62
TID 46 RED ROCK MEADOWS 0479 0780 TID 46 RED ROCK MEADOWS		63,123.65
TID 51 KATELAND SUBDIVISION 0486 0795 TID 51 KATELAND SUBDIVISION		13,453.32
TID 36 DISK DRIVE 0490 0799 TID 36 DISK DRIVE		117,893.86
TID 38 HEARTLAND RETAIL 0491 0800 TID 38 HEARTLAND RETAIL		32,600.91
TID 40 GANDOLF (PRIVATE) 0493 0802 TID 40 GANDOLF (PRIVATE)		5,947.63
TID 41 STONERIDGE LLC 0494 0803 TID 41 STONERIDGE		39,492.98
TID 43 RED ROCKS RESERVOIR 0496 0805 TID 43 RED ROCKS RESERVOIR		91,148.04
AIRPORT CONSTRUCTION FUND 0501 2085 AIR CONSTRUCTION GRANTS		158,660.70
CONSOLIDATED CONSTRUCTN FUND 0505 0910 CONSOLIDATED CONSTRUCTION		172,107.93
COMMUNITY DEVELOPMENT 0510 0930 COMMUNITY DEVELOPMENT		405.59
WATER ENTERPRISE FUND 0602 0810 WATER OPERATIONS	37,063.78	
0933 WATER RPLACEMENT & IMPROVEMNT	235,747.22	
0934 WATER EXPANSION PROJECTS	28,548.94	301,359.94
WASTEWATER ENTERPRISE FUND 0604		

## CITY COUNCIL

JANUARY 19, 2010

0830 WASTEWATER OPERATIONS	42,743.66	
0833 WASTEWATER REPLCEMT & IMPRVMNT	81,435.53	
0834 WASTEWATER EXPANSION PROJECTS	5,893.36	130,072.55
AIRPORT FUND 0606		
0850 AIRPORT OPERATIONS		32,188.18
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		1,768.50
TRANSPORTATION TERMINAL 0608		
0840 TRANS TERMINAL		219.99
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		2,105.24
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		8,539.90
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		2,347.12
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	848.80	
0606 LACROIX LINKS GOLF COURSE	111.67	960.47
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		22,221.38
SOLID WASTE/MRF COMPOST FUND 0616		
7103 SOLID WASTE MRF/COMPOST FUND		21,814.14
AMBULANCE ENTERPRISE 0618		
0890 AMBULANCE ENTERPRISE		40,849.71
PAYROLL WITHHOLDING FUND 0702		
0922 PAYROLL WITHHOLDING		88,661.28
EDUCATIONAL LOAN FUND 0718		
1002 EDUCATIONAL LOAN		1,879.49
CEMETERY ENDOWMENT 0726		
0907 CEMETERY ENDOWMENT		10,252.88
AIRPORT TERMINAL DEPRECIATION 0734		
0909 AIRPORT TERMINAL DEPRECIATION		1,137.59
CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	127,711.95	
0913 CIVIC CENTER OPERATIONS	50,753.75	
0915 CIVIC CENTER CAPITAL OUTLAY	25,223.63	

0917 CIVIC CENTER TICKET OFFICE	340.98	
0919 CIVIC CENTER CVB	28,912.46	232,942.77
ENERGY PLANT REVOLVING FUND 0777		
0914 ENERGY PLANT		3,590.04
PASSENGER FACILITY CHARGE #2 0782		
0939 PASSENGER FACILITY CHARGE #2		4,907.04
GROUP INSURANCE FUND 0789		
0963 GROUP INSURANCE		40,021.24
DENTAL INSURANCE FUND 0790		
0964 DENTAL INSURANCE		858.00
WORKERS' COMPENSATION FUND 0792		309.01
0967 WORKERS' COMPENSATION		476.30
LIABILITY INSURANCE FUND 0793		
0968 LIABILITY INSURANCE		5,872.81
LIBRARY BOARD FUND 0996		
0971 LIBRARY BOARD		
*** GRAND TOTAL ***		2,797,270.51

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 27. No. LF011310-10 – Approve Resolution No. 2010-006 Establishing Time and Place for Hearing on Assessment Roll for Miscellaneous Property Clean Up.

RESOLUTION #2010-006  
RESOLUTION FIXING TIME AND PLACE FOR  
HEARING ON ASSESSMENT ROLL FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

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

- 1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 19th day of January 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 16th of February 2010 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

28. No. LF011310-11 – Approve Resolution No. 2010-001 Declaring Property Surplus.

RESOLUTION #2010-001  
RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

- INFORMATION TECHNOLOGY
- Panasonic Dot Matrix Printer
- Cisco 800 Series Router; FHK0938222J
- Gateway Solo 9500 laptop computer; 0023594483
- Gateway Solo 2500 laptop computer; 0014096606
- Gateway 500C desktop computer; 0025776259
- Gateway 600Sb laptop computer; 0029932596
- Gateway GP6-350 desktop computer; 0011528632
- Gateway 500Cb desktop computer; 0025811209
- Gateway EV700AA Monitor; LIC12901179
- Gateway EV700B Monitor; SU17026E68085
- Gateway VX900 Monitor; G8J127974
- SIGNAMX 10/100 Switch; FO-065-7007A
- ELMO Model TRS-35XG Projector; 301977
- HP ProCurve 10-BaseT, 12M, Hub, Model J3301A; SF04902467
- Cisco Aironet 1200 Access Point; FHK084611EU
- Cisco Aironet 1200 Access Point; AMB08013JA
- ARRIS CM450A Cable Modem; 55RBM3464756068
- ARRIS CM450A Cable Modem; 6B8BMLAA6832483
- 18" Rack Mount Bracket for 18" UPS; ICCMSWMMR08
- CSA Personal Computer; CN323388
- Gateway Pro 1000 Desktop computer; 0024759702

Gateway M866 desktop computer; 0021877393  
Gateway GP6350 desktop computer; 0011528628  
Gateway ALR8200 NTS Server; 00177178700  
Printronix Printer C3205ND 1500L; 480226979139  
Printronix Printer C3204ND; 480230986605

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 29. No. LF011310-12 – Approve Resolution No. 2010-007 Authorizing Finance Office to Begin Allocating Interest Earned on Tax Increment Financing Funds to the Tax Increment Debt Service.

RESOLUTION 2010-007  
RESOLUTION AUTHORIZING FINANCE OFFICE TO BEGIN  
ALLOCATING INTEREST EARNED ON TAX INCREMENT  
FINANCING FUNDS TO THE TAX INCREMENT DEBT SERVICE

WHEREAS, the City of Rapid City has approved a number of Tax Increment Financing Districts to facilitate the economic growth of the community; and,

WHEREAS, in accordance with the statutes authorizing the use of Tax Increment Finance, the Finance Office has established separate interest-bearing funds for each of the individual tax increment districts; and,

WHEREAS the Council has determined that it is in the best interest of the City to retire the tax increment debt for these projects as quickly as possible to return the tax increment districts to the tax-rolls.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Finance Office is hereby directed to allocate any interest earned on tax increment financing funds to the payment of the tax increment debt service, effective January 1, 2010.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 30. No. LF011310-04 – Approve Resolution No. 2010-008 Authorizing Finance Office to Issue Treasurer’s Checks for Payment of Tax Increment Debt Service.

RESOLUTION 2010-008  
RESOLUTION AUTHORIZING FINANCE OFFICE TO ISSUE TREASURER'S  
CHECKS FOR PAYMENT OF TAX INCREMENT DEBT SERVICE

WHEREAS, the City of Rapid City has approved a number of Tax Increment Financing Districts to facilitate the economic growth of the community; and,

WHEREAS, in accordance with the statutes authorizing the use of Tax Increment Finance, the Finance Office has established separate interest-bearing funds for each of the individual tax increment districts; and,

WHEREAS the Council has determined that it is in the best interest of the City to retire the tax increment debt for these projects as quickly as possible to return the tax increment districts to the tax-rolls.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Finance Office is hereby authorized to issue treasurer's checks for payment of tax increment debt service, effective January 1, 2010.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 31. Acknowledge the following volunteers for workmen's compensation purposes: Kristen Basham, Dominic Heidt, and Hallee Wolfensberger.
- 32. No. LF011310-23 – Authorize staff to advertise for bids for Rapid City Parks Restroom Renovation Project PR09-6019.
- 33. No. LF011310-15 – Authorize Mayor and Finance Officer to sign License Agreement with Diocese of Rapid City.
- 34. No. LF011310-19 – Acknowledge raffle request from Big Brothers Big Sisters.
- 35. No. LF011310-20 – Acknowledge raffle request from Rapid City Downtown Association.
- 36. No. LF011310-21 – Acknowledge request from Children's Miracle Network for 21st Annual Black Hills Duck Race.

END OF CONSENT CALENDAR

Motion was made by Costello, second by LaCroix to (No. PW011210-08) Authorize Mayor and Finance Officer to Sign a Covenant Agreement Between the City of Rapid City and Frontera Chicos, LLC, for an Exception to Allow Plat to be Approved with Stipulations. Green explained that a Covenant Agreement is a document recorded in the chain of title and is a permanent part of the record. It has the same strength as any Covenant Agreement, and the Council has the right to require the developer or future land owner to do certain things. Responding to Olson, Green said generally

condominimization is a mechanism for sharing ownership of a piece of property. The plat will not transfer property but will enable the property to be transferred separately. Olson indicated her concern that down the road the taxpayers will have to pick up costs as lines fail. Green said that the overall effect of the Covenant Agreement is to put something in the chain of title to notice future property owners of the agreement with the City. The City has the right to insist future owners bear the cost. Costello suggested adding a clause requiring an owner to reimburse the City for time spent on the infrastructure in question, but Green indicated it is not likely to be effective. Responding to Weifenbach, he also confirmed there has not been a situation where a covenant agreement like this has been involved in the past. Responding to a question from Olson, Green was unable to confirm any similarities to the Burger King property.

Substitute motion was made by Olson, second by Waugh, to continue the item to the next Public Works meeting. Upon vote being taken, the following voted AYE: Waugh, Martinson, Costello, and Olson; NO: Kooiker, LaCroix, Weifenbach and Kroeger. Mayor Hanks voted NO to break the tie. Motion failed.

Upon vote being taken on the original motion to approve, motion carried with one NO from Olson.

Motion was made by Costello, second by Waugh and carried to continue to the March 1, 2010 City Council meeting (No. 09RD007) the approval of a request by City of Rapid City to consider an application for a **Resolution for a Road Name Change on a portion of St. Martin's Drive to City Springs Road** on 100 foot wide St. Martins Drive right-of-way located in the SE1/4 of the NW1/4, NE1/4 of the SW1/4 and the W1/2 of the SE1/4, all located in Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Sturgis Road and south of Hidden Valley Road.

Motion was made by Costello, second by Olson, to (No. 09EX139) Deny the Request for an Exception to waive the requirement for a second access for 81 dwelling units regarding the proposed Lots 1, 2 and 3 of Block 1 of Spring Canyon Estates, Section 6, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.

Substitute motion was made by LaCroix, second by Weifenbach, to approve the request. After looking at the layout, Weifenbach said it is common sense to make the change so that the three lots have access to the road. Elkins explained the area, and she confirmed she is not aware of any other lots with one lot surrounding another. Elkins explained other options for a second access to the property. Costello indicated concerns with setting precedence, and Olson agreed about the message sent for the future. Kroeger noted that this is a large subdivision and it is sparsely populated. Upon vote being taken, the following voted AYE: Martinson, Kooiker, LaCroix, Weifenbach, Kroeger, and Waugh; NO: Costello and Olson. Motion carried.

#### **CONTINUED CONSENT ITEMS** – Items 37 – 45

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

#### ***Continue the following items until February 1, 2010:***

37. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.

38. No. 09PL024 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Preliminary Plat** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.
39. No. 09PL040 - A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. for a **Layout Plat** on Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of \_\_\_\_\_ Subdivision, located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.
40. No. 09PL047 - A request by Centerline, Inc. for PLM Land Development, LLC for a **Preliminary Plat** on Lots 36 thru 53 of Block 1 of PLM Subdivision, located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance located in the N1/2 NW1/4 and the unplatted SW1/4 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern extension of Conestoga Court.
41. No. 09PL061 - A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Layout and Preliminary Plat** on Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as A portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44.
42. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillsvie Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillsvie Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.

43. No. 09PL074 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Preliminary Plat** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.
44. No. 09PL086 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located at 5703 and 5707 Pioneer Circle.

***Continue the following items until February 16, 2010***

45. No. 09PL083 - A request by Fisk Land Surveying & Consulting Engineers for Stephen M. Gowan for a **Preliminary Plat** on Lots A and B of Mahoney Addition No. 2 and dedicated right-of-way, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet of Block 122 and the west half of Block 123 of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 134 Anamosa Street.

END OF CONTINUED CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 46 – 59

Motion was made by Costello, second by LaCroix and carried to open the public comment for items 46 – 59. Alvin Albrecht spoke in opposition to the waterfowl feeding ban and indicated he will continue to feed the ducks. Suzanne Martley, Friends of Rapid City Parks, explained that they do not want to spend funds from a limited budget to clean up sidewalks. She said feeding is not good for the waterfowl, water quality or condition of the parks, and she urged Council to move forward with the ban. Brian Gonzalez discussed Item 52 and asked the advantage of platting the property. Bob Brandt stated he believes it is unfair for objections to come at the last minute on this project and asked that the plat is approved for Item 52.

Motion was made by Waugh, second by Costello and carried to close the public comment for items 46 – 59.

***Ordinances***

Ordinance 5575 (No. 09RZ057) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Marcy Morkert for a **Rezoning from General Commercial District to Medium Density Residential District** of , legally described as the east 35 feet of the west 71 feet of Lot 21 of Block 38 of West Boulevard Addition, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 814 Saint James Street. Motion was made by Olson, second by Waugh and carried that Ordinance 5575 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, February 1, 2010.

Ordinance 5570 (No. 09OA009) An Ordinance Amending Conditional Uses within the General Commercial Zoning District by Amending Section 17.18.030(16) of the Rapid City Municipal Code. Motion was made by Olson, second by LaCroix and carried that Ordinance 5570 be placed upon its

first reading, and the title was fully and distinctly read and second reading set for Monday, February 1, 2010.

Ordinance 5573 (No. LF011310-08) An Ordinance Regarding Supplemental Appropriation No. 1 for 2010. Motion was made by Olson, second by LaCroix and carried that Ordinance 5574 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, February 1, 2010.

Ordinance 5574 (No. LF011310-22) An Ordinance to Allow the City Council to Determine the Composition of the Citizens Committees Required by the 2012 Program by Amending Subsection 3.16.020(E) of the Rapid City Municipal Code. Motion was made by Olson, second by LaCroix and carried that Ordinance 5573 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, February 1, 2010.

Ordinance 5501 (No. LF040109-24A1) An Ordinance to Prohibit the Feeding of Wildlife and Waterfowl in the City of Rapid City by Establishing Chapter 6.16 of the Rapid City Municipal Code. Motion was made by Olson, second by Waugh, that the title be read the second time to reflect the amendment approved at First Reading. Weifenbach reiterated that he is against the ordinance as it does nothing to stop the geese and ducks. He says there are alternatives that have not been thoroughly looked at, and there needs to be a plan to mitigate the ducks. Olson pointed out that the ordinance is a result of a plan involving expertise from several groups and citizens, and she said the plan will move the geese to other sites. Green clarified that the motion is to approve the amended ordinance. Olson agreed and noted that the fine has been changed to \$5.00. LaCroix said we need to manage the flock and it makes sense to have the ordinance. We need to start somewhere. Kroeger said there is a problem and supports the management plan, but he does not agree with an ordinance that will not be enforced. Weifenbach asked about passing a resolution instead of an ordinance, and Green agreed it is within the authority of the Council. Upon vote being taken, the following voted AYE: Costello, LaCroix, Olson, Waugh and Martinson; NO: Kooiker, Weifenbach, Kroeger. Motion failed due to the 6 vote requirement.

Motion was made by Kooiker, second by Costello and carried to continue Second Reading of Ordinance 5501 to the February 1, 2010 City Council meeting.

Substitute motion was made by Weifenbach, second by Kroeger, to table the Ordinance. Upon vote being taken, the following voted AYE: Weifenbach, Kroeger, and Kooiker. Motion failed.

Upon vote being taken on the original motion to continue to the February 1, 2010 City Council meeting, motion carried with NO votes from Weifenbach and Kroeger.

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

Motion was made by Olson, second by Waugh and carried to approve (No. 09PL076) A request by Britton Engineering & Land Surveying for Vantage Properties, LLC for a **Preliminary Plat** on Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4 and a portion of Lot 3 and a portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of East North Street between Cambell Street and Anamosa Street with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, construction plans for East North Street shall be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, construction plans for Century Road shall be submitted

for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, a water system and water usage analysis shall be submitted for review and approval verifying that the existing water supply system provides adequate fire and domestic flows or construction plans shall be submitted for review and approval showing a connection to the High Level Service Zone as per the City's Water Service Zone Master Plan; 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a non-access easement along East North Street; 6. Prior to Preliminary Plat approval by the City Council, a vacation of right-of-way petition document shall be signed by the two abutting property owners, Century Resources Inc. and Frontera Chicos LLC, documenting concurrence with the proposed alley vacation. In addition, written documentation shall be submitted identifying that all of the affected utility companies concur with the vacation request; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of a minimum 59 foot wide right-of-way for Century Road as it abuts the property or a Final Plat shall be approved for that portion of the right-of-way to be dedicated as a part of the proposed plat for Lot 2A, 2B and 2C of Huffman Subdivision or the right-of-way shall be secured as an H Lot or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show "US Highway 14 & 16" as "East North Street"; 9. 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; 10. Prior to the City's acceptance of the public improvements, a Warranty Surety shall be submitted for review and approval as required; and, 11. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by LaCroix, second by Weifenbach, to approve (No. 09PL085) A request by Bob Brandt for Frontera Chicos, LLC for a **Preliminary Plat** on Lots 2A, 2B and 2C of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and North Cambell Street with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, water data shall be submitted for review and approval demonstrating that the existing water supply system has adequate capacity to provide domestic and fire protection requirements for the existing and proposed development of the property or construction plans shall be submitted for review and approval showing a connection to the High Level Service Zone as per the City's Water Service Zone Master Plan 3. Prior to Preliminary Plat approval by the City Council, data for the existing sewer system shall be submitted for review and approval identifying the flow(s) and capacity calculations for the system. In addition, prior to submittal of a Final Plat application, the sewer improvements shall be completed or surety posted for the improvement; 4. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show all of the detention pond located within a Major Drainage Easement or as-built construction plans shall be submitted for review and approval demonstrating that the detention pond is located in the Major Drainage Easement; 5. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to provide a non-access easement along Century Road except for the approved approach location and along East North Street; 6. Prior to Preliminary Plat approval by the City Council, construction plans for E. North Street shall be submitted for review and approval showing a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 7. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing the access easements located within a 59 foot wide easement and constructed with curb, gutter, sidewalk, street

light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Prior to Preliminary Plat approval by the City Council, construction plans for Century Road shall be submitted for review and approval showing sewer and a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of a minimum 59 foot wide right-of-way for Century Road as it abuts the property or a Final Plat shall be approved for that portion of the right-of-way to be dedicated as a part of the proposed plat for Lot 1, Vista Ridge Subdivision or the right-of-way shall be secured as an H Lot or a Variance to the Subdivision Regulations shall be obtained; 10. Prior to submittal of a Final Plat application, an Exception shall be obtained to allow the existing sign located on Lot 2A to advertise "On the Border" located on Lot 2B as an off-premise sign as per Section 15.28.050.Q or the plat document shall be revised to show the sign on the same lot as the use or the sign shall be removed. In addition, the Ordinance Amendment (No. 5569) to Chapter 15. 28.050.Q to allow off-premise advertisement on an existing sign, which is a direct result of the platting of the property, for up to two specific parcels shall be approved and an Exception shall be obtained to allow future advertisement on the sign for Lot 2C or the sign may not be utilized for advertising any use(s) to be located on Lot 2C; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show "US Highway 14 & 16" as "East North Street"; 12. Prior to submittal of a Final Plat application, the Covenant Agreement securing the existing parking lot as shared parking for all three lots shall be signed and recorded at the Register of Deed's Office. In addition, a copy of a recorded Covenant Agreement must be submitted to the Growth Management Department; 13. Prior to submittal of a Final Plat application, a Covenant Agreement to allow water and sewer lines to cross another lot shall be recorded. 14. 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; 15. Prior to the City's acceptance of the public improvements, a Warranty Surety shall be submitted for review and approval as required; and, 16. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council. Elkins explained the stipulations have been addressed with exception to the variances that appear later in the agenda. Motion carried.

Motion was made by Olson, second by Waugh and carried to approve (No. 09PL087) A request by FourFront Design, Inc. for Jim Mirehouse for a **Layout Plat** on Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 1 less Lots 1 thru 8 of South Creek Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2230 Cambell Street with the following stipulations: 1. Upon submittal of a Preliminary Plat application, the plat document shall be revised to show the existing road extending south along the west lot line of the property within a minimum 59 foot wide access easement or the road shall be relocated to the existing 30 foot wide access and utility easement located on the adjacent property. In addition, construction plans shall show the street located within a minimum 59 foot wide access easement and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Upon submittal of a Preliminary Plat application, construction plans for Cambell Street shall be submitted for review and approval. In particular, the construction plans shall show a sidewalk along both sides of the street or a Variance to the Subdivision Regulations shall be obtained; 3. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing existing and proposed private and public utilities shall be submitted for review and approval. In addition, the plat document shall be revised to show utility easements as needed; 4. 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. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction; 5. Upon submittal of a Preliminary Plat application, a grading plan and a drainage plan in compliance with the Drainage

Criteria Manual shall be submitted for review and approval. In addition, the drainage plan shall demonstrate that the design flows do not exceed pre-developed flows or on-site detention shall be provided. The plat document shall also be revised to provide drainage easements as necessary; 6. Upon submittal of a Preliminary Plat application, a water analysis prepared by a Registered Professional Engineer for the existing water main extending into the property shall be submitted for review and approval demonstrating that adequate fire and industrial flows are being provided. In addition, the plat document shall be revised to show the existing water main located within a minimum 20 foot wide public utility easement centered on the water main; 7. Upon submittal of a Preliminary Plat application, the applicant shall verify that the 75 foot wide access and utility easement as shown on the construction plans for the existing sewer main has been recorded. In addition, the plat document shall be revised to show the recorded easement, including book and page. Construction plans shall also be submitted for review and approval showing the access and utility easement constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. If the easement has not been recorded then the plat document shall be revised to show the existing sewer main extending south along the western portion of the property within a minimum 25 foot wide public utility easement centered on the sewer main; 8. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow an access easement to serve as access to six lots in lieu of a maximum of four lots as per the Street Design Criteria Manual or the plat document shall be revised to comply with the requirement. 10. 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; 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 12. 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.

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

Mayor Hanks explained (No. LF011310-07) the Discussion and direction on inserting the transcript from the award presented to Jack Van der Geest on March 2, 2009 into the minutes from the Legal and Finance meeting. Kooiker discussed the importance of having the transcript readily available and suggested creating a proclamation page on the website. Mayor Hanks indicated that the Mayor's office will make sure it is done. Motion was made by Kooiker, second by Waugh and carried to acknowledge the report.

Motion was made by Olson, second by LaCroix to approve (No. LF011310-17) a Request to Authorize the Mayor and Finance Officer to sign Temporary License Agreement with Cabela's for Use of VIC Facilities. Green explained the agreement and recommended approval. Motion carried.

Motion was made by Olson, second by LaCroix, to approve per the handout (No. LF011310-18) a Request to Authorize the Mayor and Finance Officer to sign Release of Terms of Agreement for Easements for VIC Watermain, Sewer Lift Station and Forcemain As It Relates to Tract 3 of Discovery Subdivision. Green briefly explained the agreement and recommended approval. Motion carried.

### ***Bids***

The following companies submitted bids for (No. CC011910-02.1) E. St. Francis Street, E. St. Anne Street and Birch Ave. Street Reconstruction Project Phase Two – Project Three; Project No. ST09-1823 / CIP No. 50424 opened January 12, 2010: Simon Contractors of SD Inc., Hills Materials Company, R.C.S. Construction Inc., Mainline Contracting Inc. and Lind Exco Inc. Staff reviewed the

bids and recommends bid award to Mainline Contracting Inc. Motion was made by Waugh, second by LaCroix and carried to approve the bid award to the lowest responsible bidder, Mainline Contracting Inc., in the amount of \$1,498,400.00.

The following companies submitted bids for (No. CC011910-02.2) New Cold Water Meters opened January 12, 2010: HD Supply Waterworks, Elster AMCO Water Inc. and BadgerMeter Inc. Staff reviewed the bids and recommends bid award to HD Supply Waterworks. Motion was made by Waugh, second by Costello, to approve the bid award to the lowest responsible bidder, HD Supply Waterworks, in the amount of \$204,269.00. It was noted that HS Supply Waterworks was the only bid that met specs. Ellis explained that they look for a high quality meter for accurate readings. Ellis also said this is an annual contract and usually HD Supply Water works supplies material as they seem to have some of the best technology. Motion carried.

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

Olson urged Council to read the Black Hills Business Development Center report to see that monies invested in the development center are paying dividends in terms of new project development and new jobs. Motion was made by Olson, second by Costello to acknowledge the report. Costello expressed his appreciation. Motion carried.

Motion was made by LaCroix, second by Waugh and carried to set the public hearing to consider the establishment of the Downtown Business Improvement District for February 22, 2010 at 7:00 PM.

### **PUBLIC HEARING ITEMS** – Items 60 – 80

Motion was made by Olson, second by LaCroix and carried to open the public hearing for items 60 – 80. Brian Gonzalez indicated that he was not aware of the project referenced in Items 78 and 79 until he read the newspaper, and he expressed his disappointment.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 60 – 66

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

### ***Continue the following items until February 1, 2010:***

60. No. 09SV012 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located between Carlin Street and Crane Drive.
61. No. 09SV015 - A request by Centerline, Inc. for Lazy P-6 Land Co., Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 12 feet to 11 feet per lane as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 in Block 1 and Lots 1 thru 4 in Block 2 of the \_\_\_\_\_ Subdivision, located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South Dakota, legally described as a parcel of land located in the W1/2 SW1/4 of Section 19, T1N, R8E and E1/2 SE1/4 of Section 24, T1N, R7E all located in BHM, Pennington County, South

Dakota, located at the southeast corner of the intersection of Fifth Street and Catron Boulevard.

62. Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of curb, gutter, street light conduit, sidewalk along one side of the street and water along the access street as they abut a portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning located at 6299 East Highway 44. (09SV020)
63. No. 09SV020 - A request by Fisk Land Surveying & Consulting Engineers for Hewey Clemmons for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and to reduce the street surface width from 24 feet to 18 and 10 feet, respectively, as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of Clemmons Addition, located in the S1/2 SW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the balance of Lot 3 of the S½SW¼, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, as shown on the plat recorded on October 1, 1963 and filed in "Plat File N"; Beginning at the northeast corner of said balance of Lot 3, said point being located along the north-south quarter section line and also along the southerly edge of the adjoining railroad right-of-way; thence, southerly along said quarter section line, S00°04'53"W a distance of 1,050.36 feet, more or less; thence, N63°41'40"W a distance of 205.00 feet, more or less; thence, N84°39'26"W a distance of 270.00 feet, more or less; thence, N33°30'20"W a distance of 84.00 feet, more or less; thence, N00°00'00"W a distance of 796.70 feet, more or less; thence, N57°23'22"W a distance of 117.40 feet, more or less; thence, N03°48'46"E a distance of 95.00 feet, more or less; thence, N12°39'32"W a distance of 150.00 feet more or less to a point on the north line of said Lot 3; thence, easterly along the north line of said Lot 3, S89°55'53"E a distance of 168.93 feet more or less to a point on the southerly line of the adjoining railroad right-of-way; thence, southeasterly along the southerly edge of the adjoining right-of-way, curving to the left on a curve with a radius of 5907.9 feet, a delta of 04°17'31", an arc length of 442.55 feet, and a chord bearing and distance of S62°19'02"E 442.44 feet, more or less; thence, continuing southeasterly along the southerly edge of the adjoining right-of-way, S64°32'29"E a distance of 72.19 feet more or less, to the point of beginning, located at 6299 East Highway 44.
64. No. 09SV025 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid**

**City Municipal Code** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less the north 8½ feet of Block 103, the west 50 feet less the north 8½ feet of Block 102, the east 115 feet less the north 8½ feet of Block 102 all in Mahoney Addition No. 2, located in the SE¼ of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.

65. No. 09SV028 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located at 5703 and 5707 Pioneer Circle.
66. No. 09SV029 - A request by FourFront Design, Inc. for Jim Mirehouse for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Cambell Street and the 30 foot access easement, to reduce the width of the access easement from 59 feet to 30 feet, and to reduce the pavement width from 26 feet to 20 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 1 less Lots 1 thru 8 of South Creek Industrial Park, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2230 Cambell Street.

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Costello, second by LaCroix and carried to close the public hearing for items 60 – 80.

#### **CONSENT PUBLIC HEARING ITEMS** – Item 67 – 73

The following item was removed from the Consent Public Hearing Items:

69. TADY LLC DBA Sports Buzz, 2101 Mt. Rushmore Rd. for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from MG Oil DBA Clock Tower Lounge, 2525 W Main

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

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

67. No. 09TI003 - Approve a request by Sperlich Consulting, Inc. for Villaggio, LLC to consider an application for a **Tax Increment District No. 61 - Third Revised Project Plan** on Lot 1,

Stoney Creek South #2 Subdivision; Unplatted portion of E1/2 NW1/4 SE1/4; NE1/4 SW1/4 SE1/4 and Golden Eagle Drive located in the NE1/4 SW1/4 SE1/4 including Lots H3 and H4; Lot H1 in the SE1/4 SW1/4 SE1/4; Lot H2 in the SW1/4; Lot H2 in the SW1/4 NW1/4 SE1/4 and the NW1/4 SW1/4 SE1/4; W1/2 NW1/4 SE1/4 less Springbrook Acres Subdivision and Less Lot H2; NW1/4 SW1/4 SE1/4 less Lot H2; S495 feet of NE1/4 SE1/4 less Lot 1; SE1/4 SE1/4; Lot 1, Bendert Subdivision; all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 4 and 5, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Sheridan Lake Road and South Highway 16 and adjacent to Catron Boulevard.

RESOLUTION #2010-012

RESOLUTION APPROVING THE THIRD REVISED PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER SIXTY ONE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS there has been established Tax Increment District Number Sixty One; and

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS the Third Revised Project Plan submitted helps make this development feasible by assisting with Vineyard Lane and Golden Eagle Drive and infrastructure improvements to serve the Villaggio at Golden Eagle and other adjacent areas of development; and

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and

WHEREAS there has been developed a Third Revised Project Plan for this Tax Increment District which proposes these improvements; and

WHEREAS the Council has considered the Third Revised Project Plan submitted by the Planning Commission and determined that the Third Revised Project Plan for Tax Increment District Sixty One is economically feasible; and

WHEREAS the Council has further determined that this Third Revised Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Third Revised Project Plan for Tax Increment District Number Sixty One be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 19th day of January, 2010.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

Finance Officer

(SEAL)

***Alcohol Licenses***

68. Leather Unlimited, Inc. DBA Someone's In The Kitchen, 2210 Haines Ave. for a 2010 Retail (on-off sale) Wine License (*Continued from December 21, 2009*)
70. First National Bank Rapid City, 510 9<sup>th</sup> Street for a Retail (on-sale) Liquor License TRANSFER from George Motor and Supply Company DBA Murphy's Bar, 510 9<sup>th</sup> Street
71. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled February 18, 2010 at Print Mark-et, 404 St. Onge St.
72. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled March 9, 2010 at A&B Business, 1822 Kansas City St.
73. Rapid City Area Chamber of Commerce for a Special Event Beer and Wine License for an event scheduled March 18, 2010 at Prairie Edge Trading Company and Galleries, 606 Main Street

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented a request from TADY LLC DBA Sports Buzz, 2101 Mt. Rushmore Rd. for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from MG Oil DBA Clock Tower Lounge, 2525 W Main. Motion was made by Olson, second by Waugh, to approve the request. Motion carried with Alderman LaCroix abstaining.

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 74 – 80

The Mayor presented the Public Hearing on Fish Garbage Services Inc. Green said the recommendation is to continue for two weeks. He explained that Fish Garbage Services Inc. requested delaying until March, but he feels that is excessive. Motion was made by Olson, second by Waugh, to continue to the February 1, 2010 City Council meeting. Green confirmed that they have not had their license since December 31, 2009, and his understanding is that Red River has taken over. Motion carried.

Ordinance 5571 (No. 09RZ055) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 19 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2807 Cactus Drive having passed its first reading January 4, 2010; motion was made by Olson, second by LaCroix and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5571 was declared duly passed upon its second reading.

Ordinance 5572 (No. 09RZ056) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on Lot D and Lot E of the SW1/4 SW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of South Valley Drive and south of S.D. Highway 44 having passed its first reading January 4, 2010;

motion was made by Olson, second by LaCroix and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Olson, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5572 was declared duly passed upon its second reading.

Motion was made by LaCroix, second by Kroeger, to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of a sidewalk along the north side of E. North Street and the north side of the service road and to install a sewer main along Century Road as they abut Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at intersection of East North Street and North Cambell Street. (09SV026) Elkins explained that they are responsible for improvements on both sides of the street. She also evaluated the lack of a sewer main and explained how it will be handled. Motion carried.

The Mayor presented (No. 09SV026) A request by Bob Brandt for Frontera Chicos, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, reduce the pavement width from 26 feet to 20 feet and to reduce the right-of-way width from 59 feet to 26 feet and 24 feet respectively as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2A, 2B and 2C of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 of Huffman Subdivision, located in the N1/2 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and North Cambell Street. Motion was made by Olson, second by LaCroix and carried that the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water, reduce the pavement width from 26 feet to 20 feet and to reduce the right-of-way width from 59 feet to 26 feet and 24 feet, respectively, along the access easements be approved with the following stipulations: 1. Prior to City Council approval, the construction plans shall be revised to show curb and gutter along the southern terminus of the 24 foot wide access easement located on proposed Lot 2A; 2. All access easements serving as an access aisle within a parking lot with backing into the easements shall be constructed with a minimum 26 foot wide paved surface; 3. A sidewalk connection shall be provided along the front of the buildings and secured within a sidewalk easement; That the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along both sides of E. North Street and the service road be approved with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; 2. A sidewalk shall be provided along the south side of the service street and along the south side of E. North Street; and, That the Variance to the Subdivision Regulations to waive the requirement to install sewer along Century Road be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; That the Variance to the Subdivision Regulations to reduce the right-of-way width along Century Road from 59 feet to 30 feet be denied. That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of Century Road from the service road to E. North Street be denied.

Motion was made by Waugh, second by LaCroix and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of a sidewalk along the north side of E. North Street and to install a sewer main along Century Road as they abut the unplatted portion of the NW1/4SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota and Lots 3 and 4 located in the NW1/4SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, located at intersection of East North Street and North Cambell Street

The Mayor presented (No. 09SV027) A request by Bob Brandt for a **Variance to the Subdivision Regulations to waive the requirements to install sewer and sidewalk along East North Street, sewer along Century Road and sidewalk along a portion of Century Road as per Chapter 16.16**

**of the Rapid City Municipal Code** on Lot 1 of Vista Ridge Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4, a portion of Lot 3 and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of East North Street between Cambell Street and Anamosa Street. Motion was made by Olson, second by Lacroix, that the Variance to the Subdivision Regulations to waive the requirement to install sewer along Century Road and along a portion of East North Street be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along both sides of East North Street be approved with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement; 2. A sidewalk shall be provided along the south side of the street; and, That the Variance to the Subdivision Regulations to waive the requirement to install sidewalk along a portion of Century Road be denied. Elkins explained surrounding areas. Motion carried.

**BILLS**

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

Payroll Paid Ending 01-02-10, Paid 01-08-10	847,319.76
Supplemental Payroll Paid Ending 01-02-10, Paid 01-08-10	1,669.12
Payroll Paid Ending 01-02-10, Paid 01-08-10	2,849.33
Pioneer Bank, Taxes Paid 01-08-10	202,652.19
Pioneer Bank, Taxes Paid 01-08-10	199.32
SD Retirement System, Paid 01-05-10	386,250.68
SD Retirement System, Paid 01-05-10	182.64
First National Bank in Sioux Falls, paid 01-04-10	43,174.06
Berkley Risk Administrators, Paid 01-04-10	37,142.61
Black Hills Electric Coop, Paid 01-08-10	521.74
Black Hills Power, Paid 01-08-10	38,439.95
Black Hills Power, Paid 01-14-10	8,824.94
First Administrators, Paid 01-06-10	104,656.19
First Administrators, Paid 01-13-10	75,492.83
West River Electric, Paid 01-08-10	30,458.56
Computer Bill List	<u>3,743,810.67</u>
 Subtotal	 \$5,523,644.59
 Payroll Paid Ending 01-02-10, Paid 01-08-10	 2,768.74
Pioneer Bank, Taxes Paid 01-08-10	211.81
SD Retirement System, Paid 01-05-10	322.74
City of Rapid City – Health Insurance, December	962.50
City of Rapid City – Postage	0.55
Metropolitan Life	<u>6.42</u>
 Total	 \$5,527,917.35

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

It was indicated that executive session is not necessary due to the absence of two Council members.

Motion was made by Waugh, second by LaCroix and carried to continue Resolution No. 2010-004 to the February 1, 2010 City Council meeting.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 9:00 PM.

ATTEST:

CITY OF RAPID CITY

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

\_\_\_\_\_  
Mayor

(SEAL)