

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 19, 2010

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, July 19, 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, Aaron Costello, 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: None.

Staff members present included Finance Officer Pauline Sumption, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Fire Chief Mike Maltaverne, Community Resources Director Kevin Thom, Assistant Director Growth Management Bob Dominicak, and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Authorize the Mayor and Finance Officer to Sign a Waiver of Right to Protest
- Move Item 52 (No. 10PL027) to follow Item 83 (No. 10SV013)
- Firefighter Combat Challenge, Alderwoman Hadcock
- Executive Session Discussion, Alderwoman Hadcock

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

APPROVE MINUTES

Motion was made by Kroeger, second by Waugh and carried to approve the minutes for June 28, 2010, June 30, 2010, July 6, 2010 and July 14, 2010 Special Council meetings and July 6, 2010 Regular Council meeting.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for June 2010 to Virgil Stockstad 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: Sergeant Sue Fox, 30 years; and Gary Garner, 25 years.

GENERAL PUBLIC COMMENT

Carl Holoman expressed concerns with the volume of the music at the Hills Alive festival and requested lower volumes next year. Mayor Hanks indicated he spoke with a representative about the volumes already due to a number of complaints.

Sandra McNeeley represented the Library Board of Trustees and gave an update regarding the library activities. Dr. Craig Bailey then spoke about the new library East location and indicated they are currently in the design phase. It is scheduled to open in the fall of 2012.

Payu Harris briefly discussed the security of electronic billboards.

NON-PUBLIC HEARING ITEMS -- Items 4 – 76

Motion was made by Costello, second by Waugh and carried to open the public comment for Items 4 – 59. No comments were offered.

Motion was made by Mason, second by Costello and carried to close the public comment for items 4 – 59.

CONSENT ITEMS – Items 4 - 49

The following items were removed from the Consent Items:

9. Acknowledge the report on Executive Session Documentation Regarding the Landfill Investigation.
28. No. LF071410-02 – Deny request from Dakota Transit Association to consume alcohol on City property.

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

Vacations of Right-Of-Way Set for Hearing (August 11, 2010)

4. No. 10VR003 - Original Town of Rapid City - A request by FourFront Design, Inc. for Downtown Rapid City Economic Development to consider an application for a **Vacation of Right-of-way** on that portion of Main Street adjacent to Lots 17-22 of Block 75, and a portion of Main Street at the intersection of Sixth Street and Main Street, of Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sixth Street and Main Street.
5. No. 10VR004 - Original Town of Rapid City - A request by FourFront Design, Inc. for Downtown Rapid City Economic Development Corporation to consider an application for a **Vacation of Right-of-way** on that portion of Sixth Street adjacent to Lot 17 of Block 75 of Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the northeast corner of the intersection of Sixth Street and Main Street.

Alcoholic Beverage License Applications Set for Hearing (August 2, 2010)

6. 168 Inc. DBA China Luck, 740 Mt. View Rd., for a Retail (on-off sale) Malt Beverage License TRANSFER from Li Zhu DBA Asian Garden, 740 Mt. View Rd.
7. 168 Inc. DBA China Luck, 740 Mt. View Rd., for a Retail (on-off sale) Wine License TRANSFER from Li Zhu DBA Asian Garden, 740 Mt. View Rd.
8. Rapid City Cosmopolitan Club for a Special Event Malt Beverage License for an event scheduled on September 17, 2010 at Memorial Park.

Public Works Committee Consent Items

10. No. PW071310-01 – Acknowledge the report on Public Works Professional Services Contract Summary.
11. Acknowledge the report on Canyon Lake Park Water Line Project Update.
12. No. PW071310-02 – Approve Change Order No. 2F to Brewer Construction for East Saint Patrick Sidewalk, Project No. MIP09-1805 / CIP No. 50298, for a decrease of \$218.12.
13. No. PW071310-04 – Approve Change Order No. 5F to Natgun Corporation for Elk Vale Low Level Reservoir, Project No. W07-1638 / CIP No. 50321, for a decrease of \$81,495.71.
14. No. PW071310-05 – Authorize Staff to Advertise for Bids for the 2010 Roof Replacement Project, Project No. GB10-1892 / CIP No. 50098. Estimated cost: \$200,000.00.
15. No. PW071310-06 – Authorize Staff to Advertise for Bids for Snow Removal Operations for City Parking Lots and Ramp. Estimated cost: \$30,000.00.
16. No. PW071310-07 – Authorize Staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations. Estimated cost: \$50,000.00.
17. No. PW071310-08 – Authorize Staff to Advertise for Bids for 6th St from Kansas City St to Omaha St, Project No. ST10-1817 / CIP No. 50138. Estimated cost: \$3,222,185.00.
18. No. PW071310-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Funding Agreement Number 713983 Between the City of Rapid City and the SD Department of Transportation for the St. Joseph Street Landscaping Project, Project No. ST09-1818 / CIP No. 50771, Transportation Enhancement Project No. ES 0ENH(192) PCN 02FU.
19. No. PW071310-10 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with CETEC Engineering Services, Inc. for Well 10 Pump Replacement, Project No. W10-1889 / CIP No. 50831, in the amount of \$5,520.00.
20. No. PW071310-11 – Authorize Mayor and Finance Officer to Sign an Agreement with SD Department of Transportation for Anamosa Street Reconstruction, Haines to Midway, State Project No. P 1648 (03) PCN H021, City Project No. ST07-1472 / CIP No. 50519.
21. No. PW071310-12 – Authorize Mayor and Finance Officer to Sign a Petition to Vacate Public Right-of-Way for the Jackson Springs Water Treatment Plant Project, Project No. W07-1689 / CIP No. 50696.
22. No. PW071310-13 – Authorize Mayor and Finance Officer to Sign an Agreement for Right of Way Acquisition by Established Payment, East Anamosa Street Extension, Lacrosse to Century, Project No. ST04-1397 / CIP No. 50316.
23. No. PW071310-14 – Authorize Mayor and Finance Officer to Sign a Right of Way Certificate, East Anamosa Street Extension, Lacrosse to Century, Project No. ST04-1397 / CIP No. 50316.
24. No. PW071310-15 – Authorize Mayor and Finance Officer to Sign Addendum No. 2 to the Professional Services Agreement with FMG, Inc. for Jackson Boulevard Utilities, Project No. SSW09-1509 / CIP No. 50351, in the amount of \$205,998.00.

25. No. 10FV007 – Approve a request by Stephen and Angela Hall for a **Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback** on Lot 11 of Block 13 of South Robbinsdale Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 802 East Iowa Street.
26. Acknowledge the report on the Status of Rapid City Greenway Trails and Pedestrian Facilities, Project No. PR08-6017.

Legal & Finance Committee Consent Items

27. No. LF071410-01 – Authorize Mayor and Finance Officer to sign Vacation of Right of Way Petitions for Main Street Square.
29. No. LF071410-22 - Confirm appointment of Jan Gustin to the BID Board for a three year term.
30. No. LF071410-03 – Acknowledge the Capital Improvements Program Committee monthly update for June 2010.
31. No. LF071410-04 – Approve the Capital Plan for Streets, Drainage and MIP Projects for June 2010.
32. No. LF071410-05 – Approve the CIP Government Buildings Five Year Plan – Proposal 3.
33. No. LF071410-18 – Approve Event Permit from The Alex Johnson Hotel for motorcycle parking August 8-15, 2010, in the Sixth Street loading zone for the Alex Johnson Hotel.
34. No. LF071410-19 – Approve Event Permit from Firehouse Brewing Co. and Destination Rapid City for motorcycle only parking August 8-13, 2010, on the north side of the 600 block and the 700 block of Main Street with the discretion that if it is not being used it can be shut down.
35. No. LF071410-20 – Authorize staff to advertise for bids for purchase of two dealer demonstrator fire engines.
36. No. 10TP019 – Authorize Mayor and Finance Officer to sign Professional Service Agreement with Ferber Engineering Company, Inc. for the Piedmont Valley and Black Hawk (Meade County) Neighborhood Area Future Land Use Plan in an amount not to exceed \$48,500.00.
37. No. LF071410-09 – Acknowledge report on retail (on-off sale) malt beverage license eligible for video lottery.
38. No. LF071410-10 – Acknowledge annual report on tax increment financing districts.
39. No. LF071410-11 – Approve Resolution No. 2010-085 Declaring Property Surplus.

RESOLUTION #2010-085
RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Police
 23 Camber Johnson Lap Top Tables
 16 Lap Top Tray Stands
 7 Troy Products – trunk mount pull out trays
 27 Gemini PD Data Radios
 20 L3 Mobile Vu Monitors
 22 L3 Mobile Vu Key Boards
 All the mounting hardware for the Mobile Vu except we only have 10 Havis Shield Dash
 Mounts
 1998 Dodge Caravan; green; License Plate 2JR476; VIN 1B4GP45G9W699551

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 July, 2010.

ATTEST: CITY OF RAPID CITY
 s/ James F. Preston s/ Alan Hanks, Mayor
 Finance Officer

(SEAL)

- 40. No. LF071410-12 – Approve Resolution No. 2010-086 Fixing Time and Place for Hearing on Assessment Roll of Business Improvement District.

RESOLUTION #2010-086
 RESOLUTION FIXING TIME AND PLACE FOR
 HEARING ON ASSESSMENT ROLL FOR A BUSINESS IMPROVEMENT DISTRICT

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

1. The Assessment Roll for a Business Improvement District was filed in the Finance Office on the 19th day of July 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 16th day of August 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 July, 2010.

ATTEST: CITY OF RAPID CITY
 s/ James F. Preston s/ Alan Hanks, Mayor

Finance Officer

(SEAL)

41. No. LF071410-13 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients – Behavior Management Systems.
42. No. LF071410-14 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients – Teton Coalition, Inc.
43. No. LF063010-13 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients –Cornerstone Rescue Mission as Well as the Indenture of Restrictive Covenants.
44. No. LF071410-15 – Acknowledge Public Works Professional Services Contract Summary.
45. Acknowledge the report regarding the Canyon Lake water line project.
46. Acknowledge the report regarding the city/county onsite septic system program.
47. No. LF071410-21 – Acknowledge status report on Rapid City Greenway Trails and Pedestrian Facilities Project No. PR08-6017.
48. No. LF071410-16 – Acknowledge report regarding professional service contracts entered into in the second quarter of 2010 under \$25,000.

Growth Management Department Consent Items

49. No. 10PL040 – Acknowledge withdrawal of a request by Renner & Associates, LLC for GCC Dakota for a **Layout Plat** on Lot 1 of Harley-Davidson Subdivision, located in the S1/2 of the SW1/4 of Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 3 of R&L Subdivision, Lot H4 of the SW1/4 of Section 22, and a portion of the SW1/4 of Section 22, all located in T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Interstate 90 and Deadwood Avenue.

END OF CONSENT CALENDAR

Motion was made by Kooiker, second by Costello and carried to acknowledge the report on Executive Session Documentation Regarding the Landfill Investigation.

Motion was made by Mason, second by Kroeger, to place the report on Executive Session documentation regarding the landfill investigation on the July 28, 2010 Legal and Finance agenda. Mason explained his interest in having documentation of executive session for historical reference and to clarify matters of dispute among the Council. He originally indicated he would like for the City Attorney to take this topic to the municipal league, but Mayor Hanks suggested putting the item on the committee agenda first. Responding to Hadcock, Mayor Hanks said it is best to narrow the scope of what the Council is asking of the South Dakota Municipal League and possibly present proposed language. Kooiker pointed out that the Council asked the Municipal League to consider this about a year ago, and he suggested putting the level of commitment in this as in the airport zoning issue by sending staff to Pierre to help move legislation forward. Motion carried.

Motion was made by Hadcock, second by Brown, to continue to the August 2, 2010 City Council meeting (No. LF071410-02) denial of a request from Dakota Transit Association to consume alcohol on City property. Green indicated the group is reformatting their request. Motion carried.

CONTINUED CONSENT ITEMS – Items 50 – 59

Motion was made by Kroeger, second by Costello, to approve the following items as they appear on the Continued Consent Items. It was noted that Item 52 (No. 10PL027) was moved to follow Item 83 (No. 10SV013). Motion carried.

Continue the following items until August 2, 2010:

50. 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.
51. No. 10PL016 - A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations for a **Layout Plat** on Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.
53. No. 10PL028 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.
54. No. 10PL036 - A request by CETEC Engineering Services, Inc. for RCS Storage, LLC for a **Layout and Preliminary Plat** on Lot 3R of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1718 and 1824 Marllin Drive.
55. No. 10PL037 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Seminole Lane.
56. No. 10PL041 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
57. No. 10PL042 - A request by Sperlich Consulting, Inc. for Century Resources, Inc. for a **Preliminary Plat** on Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8 and

9 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 3 and all of the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of East North Street and East Anamosa Street.

58. No. 10RD001 - A request by City of Rapid City for a **Resolution for Road Name Change renaming a portion of Eglin Street to North Creek Drive** on that portion of Eglin Street lying adjacent to Lot A, B and C in Menard Sub, the Balance of Tract B in the NW1/4, NE1/4, Less Lot H2, Section 32, T2N, R8E, Platted, the Railroad Right-of-Way, Lot 3 in Carefree Sub, Lot 1 and 2, Less Lot H1 in Carefree Sub all in the N1/2, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Century Road and the Interstate 90 Interchange, west of Dyess Avenue and north of East Anamosa Street.
59. No. 10RD002 - A request by City of Rapid City for a **Resolution for Road Name Change naming the unnamed right-of-way to Eglin Street** on the previously unnamed portion of Lot PE1 of Lot "X" in the SE ¼, Section 29, T2N, R8E, and the right-of-way Lot H1 lying adjacent to Lots 1 and 2, in Carefree Sub, in the NE¼ of Section 32, T2N, R8E, and the Vacated Section Line Highway Adjacent to Lot "X", and Lots 1 and 2, Carefree Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and Interstate 90 Interchange.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 60 – 76

Motion was made by Waugh, second by Brown and carried to open the public comment for Items 60 – 76. No comments were offered.

Motion was made by Weifenbach, second by Davis and carried to close the public comment.

Ordinances

Ordinance 5633 (No. LF071410-17) An Ordinance Changing the Classification of Users of Untreated Irrigation Water from Irrigation Users to Commercial Users by Amending Section 13.04.005 of the Rapid City Municipal Code. Motion was made by Hadcock, second by Waugh and carried that Ordinance 5633 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, August 2, 2010.

Ordinance 5634 (No. 10RZ042) 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 Agriculture District to Mobile Home Park District** of the SW1/4 NW1/4 and the NW1/4 SW1/4, Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Elk Vale Road and south of Country Road. Elkins indicated a revised legal description will be coming forward. Motion was made by Hadcock, second by Waugh, and carried to table the ordinance.

Ordinance 5627 (No. 10OA001) An Ordinance Adding Race Tracks with On-Sale Liquor Establishment and Planned Developments as Conditional Uses in the General Agriculture Zoning District by Amending Section 17.34.030 of the Rapid City Municipal Code having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Brown and carried that the title be read the second time. Responding to Kooiker, Elkins indicated this would not affect any current race tracks. This is a clean up

item to put this language back into the code which was accidentally removed with subsequent ordinances. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason. NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5627 was declared duly passed upon its second reading.

Ordinance 5626 (No. 08OA003) An Ordinance to Amend the Regulation of Sight Triangles by Amending Section 17.50.335 of the Rapid City Municipal Code having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5626 was declared duly passed upon its second reading.

Ordinance 5624 (No. LF063010-17) An Ordinance Amending the Regulation of Fugitive Emissions and the Abatement of Smoke by Repealing Chapters 8.34, 8.36, 8.37, 8.38, 8.39, 8.40, 8.41, 8.42 and 8.44 and Adopting a New Revised Chapter 8.34 having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Costello and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5624 was declared duly passed upon its second reading.

Legal & Finance Committee Items

Motion was made by Hadcock, second by Costello, to approve per the City Attorney's recommendation amending paragraphs 5 and 6 (No. LF071410-06) Authorization for the Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (January 3-14, 2011); (No. LF071410-07) Authorization for the Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (May 2-13, 2011); and (No. LF071410-08) Authorization for the Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (September 12-23, 2011). Motion carried.

Public Works Committee Items

Motion was made by Kooiker, second by Waugh, to approve (No. 10EX106) the exception to allow access to higher traveled street for proposed Lot 3, Eastbrooke Subdivision, located in the NE¼ of the SW¼ of Section 6, T1N, R8E and the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, Pennington County, Rapid City, South Dakota. Elkins explained that staff and the applicant have come to agreements so she recommended tabling the item.

Substitute motion was made by Hadcock, second by Davis and carried to table item No. 10EX106.

Motion was made by Costello, second by Kroeger, to (No. PW060110-02) acknowledge the report on Cabela's Land Transfer. Responding to Kooiker, Mayor Hanks reviewed the process for the transfer of the property and explained the reason for delay was due to the time needed for Cabela's to plat the property and give the visitor's center building back to the city, which was at the Mayor's request. Responding to a question from Hadcock, Mayor Hanks confirmed that until the time the property was transferred it was owned by the City so there were no taxes. It was also confirmed the original agreement was to give Cabela's the visitor's center and the land. Kooiker questioned the date that Cabela's agreed to give back the visitor's center. Responding to Petersen, Mayor explained that the vote was in September of 2007 and the transfer of land was in January 2009, so there was a 14 month delay during which time they negotiated to get the building and property back.

Substitute motion was made by Kooiker, second by Mason, to continue the item to the August 2, 2010 City Council meeting. Mayor Hanks clarified that the transfer date was January of 2010 and said he was

almost certain the offer from Cabela's to give back the property came after the vote. Hadcock questioned the reason for the continuance, and Kooiker said he is looking for specific dates. He asked for a memo explaining the process as to why \$163,000 of taxes was not collected. Hadcock indicated we already have that information so there is no need to continue. Petersen said she wants answers regarding why we lost the tax revenue, and Mayor Hanks pointed out that Rapid City gained a \$4 million building that we did not have to give away. Responding to Mason, Green confirmed the only timeline on transferring was 90 days for Cabela's to transfer the visitor's center back to the City. Green suggested that timelines on future issues are considered case-by-case. Upon roll call vote being taken, the following voted AYE: Petersen, Weifenbach, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: Davis and Hadcock. Motion carried.

Motion was made by Kooiker, second by Waugh and carried to (No. 10FV008) Approve a request by Joan Townsend for a **Fence Height Exception to allow a seven foot fence in lieu of a four foot fence in the front yard setback** on Lot 8A of Block 2 of Northridge Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 3504 Lawrence Drive with the following stipulations: 1. Prior to approval by the Public Works Committee, the site plan shall be revised to identify a 6 foot high fence in the front yard setback along Haines Avenue and Northridge Drive; 2. Prior to approval by the Public Works Committee, the applicant shall obtain approval of the affected utility companies identifying that they have no objections to the location of proposed fence in the easement, or shall vacate the drainage and utility easement or shall submit a revised site plan relocating the fence outside of the drainage easement; 3. Prior to approval by the Public Works Committee, the applicant shall obtain approval by the City Engineer to locate a fence in the drainage and utility easement, or shall vacate the drainage easement or shall submit a revised site plan relocating the fence outside of the drainage easement; and, 4. Upon which time Haines Avenue is widened, if the fence is located within the vehicular or pedestrian sight triangles, the fence shall be relocated outside of the sight triangle.

Bids

The following companies submitted bids for (No. CC071910-02.1) One (1) New Type I Four Wheel Drive Class I Star of Life Certified Ambulance opened July 6, 2010: Medtec Ambulance Corp and Conrad Fire Equipment. Staff reviewed the bid and recommends bid award to Medtec Ambulance Corp and Conrad Fire Equipment. Motion was made by Kroeger, second by Waugh and carried to award the bid to the lowest responsible bidder, Medtec Ambulance Corp and Conrad Fire Equipment, in the amount of \$190,172.00 for the unit plus trade-in.

The following companies submitted bids for (No. CC071910-02.2) Ninth Street Water Main – Project No. W10-1885 / CIP No. 50815 opened July 13, 2010: Hills Materials Company, Simon Contractors of SD Inc., RCS Construction Inc., and Highmark Inc. Staff reviewed the bids and recommends bid award to Highmark Inc. Motion was made by Weifenbach, second by Hadcock and carried to award the bid to the lowest responsible bidder, Highmark Inc., in the amount of \$84,816.26.

The following companies submitted bids for (No. CC071910-02.3) Saint Patrick Sidewalk Repairs and ADA Upgrades – Project No. ST10-1874 / CIP No. 50809 opened July 13, 2010: KRM Concrete, Simon Contractors of SD Inc. and Brewer Construction. Staff reviewed the bids and recommends bid award to Brewer Construction. Motion was made by Waugh, second by Brown and carried to award the bid to the lowest responsible bidder, Brewer Construction, in the amount of \$36,108.60.

The following companies submitted bids for (No. CC071910-02.4) Milo Barber Transportation Center Site Improvements – Project No. GB08-1765 opened July 13, 2010: SECO Construction Inc., Heavy Constructors DBA Gustafson Builders and RCS Construction Inc. Staff reviewed the bids and recommends bid award to SECO Construction. Motion was made by Kroeger, second by Costello, to award the bid to the lowest responsible bidder, SECO Construction, in the amount of \$442,000.00. Ellis said 80% of this project is reimbursable through the Federal Transit Administration and 20% is approved

through CIP Government Buildings. Responding to Weifenbach, Ellis explained they also established encased pricing for items if there are contaminated soils. Motion carried.

Council Items & Liaison Reports

Alderman Mason addressed the (No. CC071910-03) discussion of loss prevention by implementation of Fraud and Waste Hotline, and he reviewed the reasons for his interest in the hotline. Motion was made by Mason, second by Weifenbach, to ask staff to draft a proposal for an RFP. Hadcock suggested it would be better to take to Legal and Finance to allow the City Attorney time for research.

Substitute motion was made by Hadcock, second by Waugh, to continue the discussion to the July 28, 2010 Legal and Finance meeting. Hadcock explained she feels this topic is a positive suggestion. Petersen suggested rewards for people coming forward with ideas, and Sumption briefly explained the current incentive program already in place. Weifenbach expressed support for the program. Mason said the City could be losing millions due to fraud each year and felt strongly that this is a cost effective way to prevent loss. Waugh cautioned the Council and suggested doing background checks into other places that have used this. Motion carried.

Alderman Kooiker addressed Casino Buffer Zones for Residential Neighborhoods. He explained that 'appropriateness' has not been defined in our ordinance and suggested 250 to 500 feet buffer as a minimum. Motion was made by Kooiker, second by Waugh, to continue this discussion to the Planning Commission and ask the Planning Commission and Growth Management to bring forward a buffer recommendation within 30 days. Waugh pointed out the ordinance language is 'efficiently buffered', and he is in support of the motion. Weifenbach suggested that we look at zoning as well, and Green said Council can look at making casinos a permitted use in a zoning district. He recommended that this is sent to Planning Commission as well since it requires amendments to the zoning ordinance. Green also recommended a 60 day time frame so there is full opportunity for public hearings. Hadcock stated that video lottery with a bar is different than with a restaurant, and she pointed out residential has built around commercial. She said the Council needs to do more work on this first. Mason said it is important to apply ordinances uniformly and said we should be cautious as South Dakota has deemed this a legitimate business. He also briefly discussed liquor licenses.

Substitute motion was made by Hadcock, second by Mason, to continue the discussion to the July 27, 2010 Public Works meeting. Green said Council can have the discussion but it will need to go to the Planning Commission at some point. Kooiker said it is important for this to go to the Planning Commission so that we can determine how areas would be affected by the buffer. Upon a roll call vote being taken, the following voted AYE: Davis, Hadcock, Waugh, Brown, and Mason; NO: Weifenbach, Kroeger, Costello, Kooiker and Petersen. Motion failed.

Alderman Costello called the question. Green reiterated that 30 days will be difficult to meet. Kooiker and Waugh agreed to change the motion to allow 60 days. On the motion to continue this discussion to the Planning Commission and ask the Planning Commission and Growth Management to bring forward a buffer recommendation within 60 days, motion carried with one NO from Mason.

Chief Maltaverne reported on the firefighter combat challenge, and Alderwoman Hadcock expressed her appreciation for the event.

Alderwoman Hadcock suggested that Executive Session is placed differently on the agenda, and she recommended Council leadership add this topic to the agenda for the Council retreat.

PUBLIC HEARING ITEMS – Items 77 – 94

Motion was made by Weifenbach, second by Davis and carried to open the public comment for Items 77 to 94. Kara Hatch stated her opposition to the rezoning for No. 10CA019. Hani Shafai explained requests by Dream Design for No. 10SV013 and No. 10EX107 and requested approval with the staff stipulations.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 77 – 81

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

Continue the following items until August 2, 2010:

77. No. 10SV007 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.
78. 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** on 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.
79. No. 10SV012 - A request by CETEC Engineering Services, Inc. for RCS Storage, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3R of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1718 and 1824 Marlin Drive.
80. No. 10SV014 - 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 as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
81. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on the St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Costello, second by Weifenbach and carried to close the public comment for Items 77 to 94.

CONSENT PUBLIC HEARING ITEMS – Item 82 – 83

Growth Management Items

The Mayor presented (No. 10CA019) a request by City of Rapid City for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential with a Planned Residential Development** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Motion was made by Waugh, second by Costello, to approve the request. Responding to Weifenbach, Elkins explained the request in more detail. Mason asked about widening the streets with increased traffic flow, and Elkins said no concerns were expressed. If this is a planned development, the number of units and potential impact would be looked at as part of the application. Regarding trash in the neighborhood, Elkins said the issues could be turned over to code enforcement. Responding to Kooiker, Elkins said the Council can ask for a traffic study now for preliminary calculations. Kooiker suggested a simple traffic review and said there may be more information in the letters submitted by area residents tonight. Weifenbach expressed concerns about widening the street as it could cause traffic to move faster. Kroeger said there is not much traffic in the area and said all of the concerns would be addressed when a plan is brought forward for the PRD. Responding to Hadcock, Elkins said you can guide the location of the buildings, and the decks and appearance could be reviewed as well. She indicated conditions cannot be put on rezoning, and she reminded the Council of the process for this item thus far. Brown said this was an attempt by Future Land Use to address concerns and have some control. Upon roll call vote being taken, the following voted AYE: Davis, Kroeger, Costello, Kooiker, Waugh, Brown and Weifenbach; NO: Hadcock, Mason and Petersen. Motion carried.

Motion was made by Kooiker, second by Waugh, to authorize the Mayor and Finance Officer to sign a waiver of right to protest for No. 10SV013. Elkins explained the request in more detail and said they have worked with the applicant as requested. Motion carried.

The Mayor presented (No. 10SV013) a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sewer along Racine Street and to reduce the right-of-way width for LaCrosse Street from 100 feet to 80 feet as per Chapter 16.16 of the Rapid City Municipal Code** on the vacated S1/2 of St. Louis Street, the vacated 10 foot of Racine Street and a portion of Racine Street, Tract B of the SE1/4 of the SW1/4, Section 31, T2N, R8E, all of Block 1 of Brennan and Sweeney Addition and the vacated alley in Block 1 of Brennan and Sweeney Addition of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at Racine Street and LaCrosse Street. Motion was made by Kooiker, second by Weifenbach and carried to approve the Variance to the Subdivision Regulations to waive the requirement to install sewer along Racine Street and to deny the request to reduce the right-of-way width for LaCrosse Street from 100 feet to 80 feet as per Chapter 16.16 of the Rapid City Municipal Code.

The Mayor presented (No. 10PL027) a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1R and 3, Eastbrooke Subdivision, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, & in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 21 and the vacated alley of Block 1 of Brennan & Sweeney Addition of Section 6, T1N, R8E; Lot 1 of Eastbrooke Subdivision, a portion of the S1/2 of the vacated St. Louis Street right-of-way, a portion of the east 10 feet of the vacated Racine Street right-of-way and Tract B of the SE1/4 of the SW1/4, all located in the SE1/4 of the SW1/4 of Section 31, T2N, R8E, and in the NE1/4 of the NW1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East Omaha Street between Waterloo Street and LaCrosse Street. Motion was made by Hadcock, second by Waugh and carried to approve the request 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, the plat document shall be revised to show a non-access easement along LaCrosse Street or an Exception shall be obtained to allow access from the higher traveled street; 3. Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of an additional 10 feet of right-of-way along LaCrosse Street or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval providing a sewer main along Racine Street or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to submittal of a Final Plat application, the existing utilities extending through the property shall be removed as proposed or the plat document shall be revised to secure the existing utilities within a utility easement; 6. 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; 7. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and, 8. 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.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 84 – 94

The Mayor presented (No. 10EX107) an Appeal of the Denial of a Request for an Exception to waive the requirement for a second access for 81 dwelling units regarding the proposed Lots 1 and 2 of Baxter Subdivision, located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Motion was made by Davis, second by Mason, to approve the appeal of the denial. Kooiker said it seems we have reached the point of saturation and we run a risk by approving this item. He pointed out that the two fire departments do not recommend approval. Responding to Mason, Maltaverne confirmed the Rapid City and Whispering Pines Fire Departments would like to see this denied due to lack of a second access. Mason asked about future plans for a second access to the south, and Elkins said there is an option that exists and there may be others. Hadcock pointed out that there are 80 units there with approximately 55 houses, and Davis discussed the fact that there is only one way out of the subdivision. Responding to Weifenbach, Elkins said there are about 543 houses in Chapel Valley and there is one access. Shafai said there are other drivable surfaces on this property that could be accessed if there is a wildfire, and Weifenbach said at some point the 40 unit rule needs to be revisited. Responding to Kroeger, Shafai said there are about 800 acres, and Kroeger pointed out it is a sparse development. Responding to Brown, Maltaverne indicated they have an automatic aid agreement with Whispering Pines as they are a volunteer fire department. Brown agreed that the 40 unit rule needs to be addressed. Upon roll call vote being taken, the following voted AYE: Hadcock, Kroeger, Costello, Waugh, Mason, Weifenbach and Davis; NO: Kooiker, Brown and Petersen. Motion carried.

Ordinance 5600 (No. 10RZ016) 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 THF Stoneridge Development, LLC for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 175.21 feet, to the point of beginning; Thence first course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 30.39 feet, to the southeasterly corner of said Lot 3, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°55'52"E, along the southerly boundary of said Lot 2, a distance of 60.98 feet, to a corner on

the southerly boundary of said Lot 2; Thence third course: S72°01'35"E, along the southerly boundary of said Lot 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2; Thence fourth course: N17°47'24"E, along the easterly boundary of said Lot 2, a distance of 2.28 feet; Thence fifth course: curving to the left, on a curve with a radius of 220.67 feet, a delta angle of 09°04'29", a length of 34.95 feet, a chord bearing of S07°51'03"W, and chord distance of 34.92 feet; Thence sixth course: S03°19'17"W, a distance of 6.07 feet; Thence seventh course: N83°19'13"W, a distance of 116.68 feet; Thence eighth course: N54°45'41"W, a distance of 151.94 feet, to the point of beginning, located north of Stumer Road and south of Fifth Street having passed its first reading on June 28, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5600 was declared duly passed upon its second reading.

Ordinance 5601 (No. 10RZ017) 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 THF Stoneridge Development, LLC for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the SW¼ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S54°58'38"E, a distance of 42.23 feet, to the point of beginning; Thence first course: S89°44'01"E, a distance of 29.43 feet; Thence second course: N80°14'20"E, a distance of 61.38 feet; Thence third course: S00°00'01"E, a distance of 397.37 feet; Thence fourth course: N89°44'34"W, a distance of 176.15 feet; Thence fifth course: N12°34'56"E, a distance of 395.82 feet, to the point of beginning, located northeast of the intersection of Stumer Road and Black Hills Boulevard having passed its first reading on June 28, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time with the following revised legal description: that portion of the SW¼ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S69°17'20"E, a distance of 133.11 feet, to the point of beginning; Thence first course: S00°00'01"E, a distance of 364.26 feet; Thence second course: N89°44'34"W, a distance of 81.20 feet; Thence third course: N12°34'45"E, a distance of 372.85 feet to the point of beginning. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5601 was declared duly passed upon its second reading.

Ordinance 5602 (No. 10RZ018) 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 THF Stoneridge Development, LLC for a **Rezoning from Public District to General Commercial District** on a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 65.73 feet, to the point of beginning; Thence First course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 109.48 feet; Thence Second course: S54°45'40"E, a distance of 151.94 feet; Thence Third course: S83°19'13"E, a distance of 383.89 feet; Thence Fourth course: S06°40'47"W, a distance of 50.00 feet; Thence Fifth course: N83°19'18"W, a distance of 396.61 feet; Thence Sixth course: N54°45'41"W, a distance of 262.07 feet, to the point of beginning, located north of Stumer Road and west of Fifth Street having passed its first reading on June 28, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5602 was declared duly passed upon its second reading.

Ordinance 5603 (No. 10RZ019) 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 THF Stoneridge Development, LLC for a **Rezoning from General Commercial District to Public District** on a portion of the E½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza, common to the northeasterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza, common to a point on the southerly edge of Fifth Street right-of-way, thence S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way, a distance of 268.61 feet, to the point of beginning; Thence First course: S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way a distance of 203.98 feet; Thence Second course: S27°26'24"W, a distance of 200.74 feet; Thence Third course: N83°19'13"W, a distance of 218.49 feet; Thence Fourth course: N27°30'19"E, a distance of 278.42 feet, to the point of beginning, located north of intersection of Parkview Drive and Fifth Street on the west side of Fifth Street having passed its first reading on June 28, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5603 was declared duly passed upon its second reading.

Ordinance 5628 (No. 10RZ021) 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 8 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 E. Fairmont Street having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5628 was declared duly passed upon its second reading

Ordinance 5629 (No. 10RZ022) 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 32 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2800 Cactus Drive having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Brown and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5629 was declared duly passed upon its second reading.

Ordinance 5630 (No. 10RZ024) 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 Lots 37 and 38 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2810 Cactus Drive having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5630 was declared duly passed upon its second reading.

Ordinance 5631 (No. 10RZ025) 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 4 of Melody Acres No. 2,

Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2800 East Fairmont Drive having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5631 was declared duly passed upon its second reading.

Ordinance 5632 (No. 10RZ026) 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 36 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 Cactus Drive having passed its first reading on July 6, 2010; motion was made by Hadcock, second by Waugh and carried to table the ordinance.

Ordinance 5608 (No. 10RZ031) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Larry Nelson for a **Rezoning from Low Density Residential District to Medium Density Residential District** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue having passed its first reading on April 19, 2010; motion was made by Hadcock, second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh and Brown; NO: Mason; whereupon the Mayor declared the motion passed and Ordinance No. 5608 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

Payroll Paid Ending 07-03-10, Paid 07-09-10	895,446.83
Payroll Paid Ending 07-03-10, Paid 07-09-10	2,763.04
Supplemental Payroll Paid Ending 07-03-10, Paid 07-09-10	594.89
Supplemental Payroll Paid Ending 07-03-10, Paid 07-12-10	1,276.80
Pioneer Bank, Taxes Paid 07-09-10	209,004.01
Pioneer Bank, Taxes Paid 07-09-10	200.73
Berkley Risk Administrators, Paid 07-01-10	57,147.99
First Administrators, Claims Paid 06-30-10	950.00
First Administrators, Claims Paid 07-07-10	51,991.12
First Administrators, Claims Paid 07-14-10	49,513.18
First Administrators, Paid 06-30-10	950.00
Black Hills Electric Corp, Paid 07-09-10	688.23
Black Hills Power and Light, Paid 07-09-10	31,931.91
West River Electric Assoc, Paid 07-09-10	19,621.39
Computer Bill List	<u>4,513,263.90</u>
Subtotal	\$5,835,344.02
Payroll Paid Ending 07-03-10, Paid 07-09-10	2,794.19
Pioneer Bank, Taxes Paid 07-09-10	213.75
CIMA Companies Inc	1,021.07
City of Rapid City, postage	1.73
City – Health Insurance Trust	1,010.00
JJ's Engraving and Sales	13.00
Metropolitan Life Insurance Co.	6.42
Verlynn Price, Mileage	21.84

Wright Express

73.50

Total

\$5,840,499.52

Sumption requested to add a payment to LaCrosse Investors LLP in the amount of \$18,175.50 due to the approval of Item 22. The new bill list total is \$5,858,675.02. Motion was made by Hadcock, second by Davis and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

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

Motion was made by Costello, second by Waugh and carried to go into Executive Session at 9:38 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 11:07 P.M. with Alderwoman Hadcock absent.

STAFF DIRECTION

Motion was made by Costello, second by Waugh and carried to direct the City Attorney to prepare the contract in the manner discussed in Executive Session and present that for approval by the Council.

Motion was made by Costello, second by Waugh and carried to direct the City Attorney to take steps necessary to implement the settlement agreement in the litigation matter discussed in Executive Session.

Motion was made by Waugh, second by Brown and carried to Authorize Mayor and Finance Officer to Sign the Collective Bargaining Agreement with AFSCME Local 1031.

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 11:08 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Office

(SEAL)