

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

June 21, 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, June 21, 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, Malcom Chapman, Karen Gundersen Olson, Ron Weifenbach, Ron Kroeger and Deb Hadcock; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Assistant Fire Chief Tim Behlings, Assistant Director Growth Management Bob Dominicak, and Administrative Coordinator Amber Sitts.

### **ADOPTION OF AGENDA**

The following items were added to the agenda:

- Discussion on 2501 West Chicago Property and Ownership
- Request of City Council per Procedures to do a 6-1 (Ask to have an Item Delivered from Committee)
- Liaison Report from the BID Board, Alderman Chapman
- Don't Forget to Remember to Vote June 29th, Alderman Costello

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

### **APPROVE MINUTES**

Motion was made by Costello, second by Chapman and carried to approve the minutes for June 7, 2010 Regular Council meeting and June 9, 2010 Special Council meeting.

### **AWARDS AND RECOGNITIONS**

Mayor Hanks presented the Veteran of the Month for July 2010 to Jerry Wright 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: Rick Furchner, 20 years; Ed Hofkamp, Retirement after 32 years; Bill Parsons, Retirement after 26 years; Jerry Wright, Retirement after 23 years; and Jim Preston, Retirement after 14 years.

Mayor Hanks recognized the Adventure Rangers for their efforts to make Rapid City a better place by improving the horseshoe courts at Sioux Park.

### **GENERAL PUBLIC COMMENT**

Cameron Humphres, Executive Director of the Airport, showed a short video regarding the history and proposed expansion and remodel of the airport. He explained how the airport is vital to the community and that the expansion is necessary. He said that the total project costs are \$20.5 million, and they

currently have \$17 million available. Humphres pointed out that some design is subject to change as they are still working on it. Responding to Kooiker, Humphres said it is recommended that the gift shop is moved to post security as they need the space to accommodate passenger flow and also due to 9/11 events. He said the Board still needs to decide on the recommendations. He also confirmed he would accommodate further presentations on the project. In response to Weifenbach, Humphres explained the bonding involved. Hadcock requested that he provide statistics on the location of the gift shop being before or after security. Motion was made by LaCroix, second by Costello and carried to acknowledge the report.

Jan Theberge commented on the BID. She was opposed to the way it is funded and said it sets a bad precedence.

**NON-PUBLIC HEARING ITEMS** -- Items 4 – 66

Motion was made by Chapman, second by Costello and carried to open the public comment for Items 4 to 43. No comments were offered.

Motion was made by Chapman, second by Costello and carried to close the public comment for Items 4 to 43.

**CONSENT ITEMS** – Items 4 – 36

The following items were removed from the Consent Items:

12. Acknowledge the report on 2<sup>nd</sup> Floor Review.
15. Acknowledge the report on Presentation on Changes in Bid Law by Joel Landeen.

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

***Alcoholic Beverage License Applications Set for Hearing (June 30, 2010)***

4. Ugly Inc. DBA Budd Ugly's, 321 7<sup>th</sup> Street for a Retail (On-Sale) Liquor License TRANSFER to 321 7<sup>th</sup> Street including the following property: The south 50 feet of Lots 25 to 27, both inclusive, in Block 63 of the Original Town of Rapid City and a strip of land immediately north thereof being 17 feet wide across Lots 25 thru 32, both inclusive, in Block 63 of the Original Town of Rapid City, and having 8 and 5/10 feet of such width on each side of the center line of Chicago, Milwaukee, St. Paul and Pacific Railroad Company's tract as the same was laid and operated across said lots, meaning and intending hereby a portion of the southerly 17 foot wide strips of land formerly conveyed by Rapid City, Black Hills and Western Railroad Company to Chicago, Milwaukee, St. Paul and Pacific Railroad Company which deed was recorded in the Office of the Register of Deeds, Pennington County, South Dakota on July 15, 1948, in Book 81 of Deeds at page 430, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

***Alcoholic Beverage License Applications Set for Hearing (July 6, 2010)***

5. Golden Fortune Restaurant Inc. DBA Golden Fortune, 1118 E North Street, for a Retail (on-off sale) Malt Beverage License TRANSFER from Dan Trieu Ly DBA Golden Fortune, 1204 E North Street
6. Golden Fortune Restaurant Inc. DBA Golden Fortune, 1118 E North Street, for a Retail (on-sale) Wine License TRANSFER from Dan Trieu Ly DBA Golden Fortune, 1204 E North Street

2010-2011 Retail (On-Off Sale) Malt Beverage License Renewals NO Video Lottery

7. Golden Fortune Restaurant Inc. DBA Golden Fortune, 1118 E North Street, for a Retail (on-off sale) Malt Beverage License renewal

2010-2011 Package (Off-Sale) Malt Beverage License Renewals

8. Burnell Lutz DBA One Stop Shop and Laundry, 1903 N. Maple Ave., for a Package (off-sale) Malt Beverage License renewal

***Public Works Committee Consent Items***

9. No. PW061510-03 – Approve the Compost Fee Waiver for the Educational Nature Walk Project.
10. No. PW061510-04 – Approve the Compost Fee Waiver for the Lemmon Street Community Garden.
11. No. PW061510-05 – Acknowledge the report on drainage issues on Creek Drive and refer the discussion of the Perrine Drainage Basin Design Plan to the June 25, 2010, Capital Improvements Program Committee for consideration.
13. Acknowledge the report on Council Budget Information.
14. Acknowledge the report on 'Standard of Care' for Rapid City Properties.
16. No. PW061510-06 – Approve Change Order No. 1 to Western Municipal Corporation for 11<sup>th</sup> Street Alley Sanitary Sewer Reconstruction, Project No. SS09-1772 / CIP No. 50422, for an increase of \$19,823.00.
17. No. PW061510-07 – Approve Change Order No. 1F to RCS Construction, Inc. for Maple Avenue and East Idaho Street Reconstruction, Project No. ST09-1809 / CIP No. 50626, for a decrease of \$45,231.00.
18. No. PW061510-08 – Approve Change Order No. 1 to J&J Asphalt Company for Street Rehabilitation-Arrow Street, Farlow Avenue & Culvert Street, Project No. ST10-1854 / CIP 50549, for an increase of \$17,171.89.
19. No. PW061510-09 – Authorize Staff to Advertise for Bids for 9<sup>th</sup> Street Water Main, Project No. W10-1885 / CIP No. 50818. Estimated cost: \$100,000.00.
20. No. PW061510-10 – Authorize Mayor and Finance Officer to Sign an Agreement between City of Rapid City and Highway Improvement, Inc. for 2010 Asphalt Surface Crack Sealing, Project No. ST10- 1887 / CIP No. 50549, in an amount not to exceed \$72,500.
21. No. PW061510-11 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for WRF Primary Digester Cover Replacement, Project No. WRF10-1883 / CIP No. 50790, in the amount of \$68,705.00.
22. No. PW061510-12 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Contract with Sim's Glass for Bus Shelter Renovation. No cost amendment, time extension only.

- 23. No. PW061510-13 – Authorize Mayor and Finance Officer to Sign Various Right-of-way Agreements and Authorize Acceptance of Deeds and Easement Documents for the East Anamosa Street Extension, Project No. ST04-1397 / CIP No. 50316, SDDOT Project No. P1648(01).
- 24. No. PW061510-15 – Approve Change Order #1 for Rapid City Parks Restroom Renovation, Project PR09-6019, GBA, Inc., for an increase in the amount of \$9,419.00 and a time extension of 13 days at Canyon Lake Shelters 1, 2 and 3.
- 25. No. PW061510-16 – Allow the Parks and Recreation Department to use compost and wood chip mulch provided from the Solid Waste Division at no cost for Parks and Recreation Department projects.

**Legal & Finance Committee Consent Items**

- 26. No. LF061610-01 - Approve request from Don Valle of Cowboy Fast Draw Association to hold Fast Draw Contest at Cabela's on July 10, 2010.
- 27. Approve request from Theresa O'Connell of Black Hills Disc Golf Confederacy to use Jackson Golf Park after 10:00 p.m. on July 24, 2010.
- 28. Acknowledge the Mayor's report regarding the budget.
- 29. Recommend that the resolution on Council notification procedures be continued to the June 30, 2010, Legal and Finance Committee meeting, that the Council provide additional direction to the Committee on how to proceed and that those Council members who are concerned about the issue be present at that meeting to discuss the item and provide in advance some specific information for discussion purposes.
- 30. Acknowledge report by Olson regarding the Independent Day Celebration.
- 31. Acknowledge presentation by Assistant City Attorney Joel Landeen regarding the new bid laws.
- 32. No. LF061610-02 – Authorize staff to advertise for bids for new ambulance.
- 33. No. LF061610-03 – Approve Resolution No. 2010-071 Declaring Property Surplus.

RESOLUTION #2010-071  
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:

Library  
Hand carved, six foot tall, wood statue of Pinocchio

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 21st day of June, 2010.

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

ATTEST:  
s/ James F. Preston  
Finance Officer

(SEAL)

- 34. No. LF061610-04 – Approve Resolution No. 2010-072 Approving and Authorizing the Execution of a Governmental Lease-Purchase Agreement and Supplements Thereto and Related Documents and Certificates for the Lease-Purchase of Two Fire Trucks.

RESOLUTION NO. 2010-072  
RESOLUTION APPROVING AND AUTHORIZING  
THE EXECUTION OF A GOVERNMENTAL LEASE-PURCHASE AGREEMENT  
AND SUPPLEMENTS THERETO AND RELATED DOCUMENTS AND CERTIFICATES FOR  
THE LEASE-PURCHASE OF TWO FIRE TRUCKS

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

1.) The Governmental Lease-Purchase Agreement (the "Agreement") and the Supplement or Supplements thereto and the Escrow Agreement, if any, are hereby approved substantially in the form presented to this Council and on file in the office of the Secretary/Clerk.

2.) The Mayor or Council President is hereby authorized to execute the Agreements and any related documents thereto on behalf of the City, and to execute such other certificates and documents as may be necessary and appropriate to effectuate the transactions contemplated by the Agreements and said related documents. The Agreements, and the related documents may contain such necessary and appropriate variations, omissions and insertions as the Mayor or Council President shall determine to be necessary, and the execution thereof by the Mayor or Council President shall be conclusive evidence of such determination and its approval by the Council.

3.) Lessee reasonably anticipates that it will not issue tax-exempt obligations (not including "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986, as amended) in an aggregate amount in excess of \$30 million during the calendar year in which the Lease commences. The lease is designated as a qualified tax-exempt obligation for purposes of Section 265(b)(c) of the Internal Revenue Code of 1986, as amended, relating to deductibility of interest by financial institutions.

Dated this 21st day of June, 2010.

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

ATTEST:  
s/ James F. Preston  
Finance Officer

(SEAL)

- 35. Authorize Finance Office to establish a fund for cable franchise fee IT projects and to transfer \$20,000 from General Fund to be used for matching funds as per franchise agreements.

36. No. LF061610-06 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and Doeck, LLC, for the Completion of Subdivision Improvements.

END OF CONSENT CALENDAR

Motion was made by Costello, second by Hadcock, to acknowledge the report on 2nd Floor Review. Responding to Kooiker, Mayor Hanks explained that a consultant was hired to look at the work flow on second floor, and the full report will be available once the Mayor has completed his review of it. Motion carried.

Motion was made by Costello, second by LaCroix, to acknowledge the report on Presentation on Changes in Bid Law by Joel Landeen. Responding to Hadcock, Green explained that the state agency brought forward significant revisions and explained some changes made by City Council. Motion carried.

**CONTINUED CONSENT ITEMS** – Items 37 – 43

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

***Continue the following items until July 6, 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. 10PL015 - A request by Bob Brandt for Rushmore Properties, LLC for a **Preliminary Plat** on Lot 10A and Lot 10B of Block 2 of Settlers Creek Townhomes, located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted parcel located in the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1400 Philadelphia Street.
39. 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 Brennen & 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.
40. 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.
41. No. 10PL030 - A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation for a **Preliminary Plat** on Lots 1R thru 32R of Block 3 of Dakota Ridge Subdivision, all in the

SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 32 of Block 3 of Dakota Ridge Subdivision, all in the SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.

42. No. 10PL032 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Preliminary Plat** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Tower Road and north of Skyline Ranch Road.
43. No. 10PL033 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Preliminary Plat** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.

END OF CONTINUED CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 44 – 66

Motion was made by Olson, second by LaCroix and carried to open the public comment for Items 44 to 66C. Motion carried.

Tom Horan, SDDOT, explained that they are trying to reconfigure the intersection of Mountain View and Jackson Blvd., which requires the removal of 5 parking spaces, so he requested a special Council meeting.

Toni Martin questioned a public vote approving the Cabela's land transfer. Green explained that the original agreement was referred to a vote and was approved in September of 2007.

Terry Olson said he expected the Mayor to abstain from the vote at the June 7, 2010 City Council meeting regarding their applications for digital billboards. He explained that Lamar has a lease with Alan Hanks, so he requested the Council reconsider the items.

Brendan Casey asked Olson to abstain from any vote regarding Epic or himself and his brother due to her husband's involvement in litigation. He requested that the Council let the ordinance die and said the Mayor should show them what billboards are causing heartburn. Lisa Modrick pointed out that the issue has been going since December. She suggested cleaning up first and then getting a plan. Pat Roseland expressed his frustration in the decision of the Legal and Finance Committee. Cody Champion explained the task force recommendations and suggested the Council bring back the ordinance. Terry Olson reiterated Lamar's frustration with the decision at the last meeting regarding their conditional use permit applications. Debra Jensen briefly discussed the task force recommendation and indicated her support of allowing the ordinance to move forward.

Motion was made by Chapman, second by LaCroix and carried to close the public comment for Items 44 – 66C. Motion carried.

**Ordinances**

Ordinance 5616 (No. LF060210-21A) An Ordinance to Amend the Homeowner Permits Exemption Established by the Rapid City Electrical Code by Amending Subsection 80.5 of Section 15.16.020 of Chapter 15.16 of the Rapid City Municipal Code having passed its first reading on June 7, 2010; motion was made by Olson, second by Chapman, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5616 was declared duly passed upon its second reading.

Ordinance 5625 (No. 10RZ041) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** of Blocks 1, 2, 5 and 6 and Lots 1 thru 6 of Block 3 all of Rapid Valley Subdivision, the 20 foot wide East St. Francis Street right-of-way located adjacent and north of Block 5, the 40 foot wide East St. Francis Street right-of-way located north of Block 6, Sedivy Lane located west and adjacent to Block 5, the 20 foot wide Pecan Lane located adjacent to Lots 10 thru 12 of Block 2 and the 40 foot wide Pecan Lane located adjacent to Lots 1 thru 6 of Block 3 and Lots 13 thru 18 of Block 2 and Lot 1 of Block 5 and Lot 12 of Block 6, and the 40 foot wide Olive Lane, all located in Rapid Valley Subdivision, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 thru 10 of Long Acre Square Subdivision and Long Acre Drive, and Blocks 1 thru 2 of Sedivy Subdivision and Blanche Drive and Garden Lane, and East St. Patrick Street right-of-way located north of Rapid Valley Subdivision, all located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lots 1 thru 21 of Eden Gardens Addition and Eden Lane and Garden Lane, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Lot B of Lot 2, Lot A of Lot 2 thru 3, Lot 3D of Lot 3, Lot W of Lot 8B and Lot 1 of Lot 9B, all of the SW1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east and west of Valley Drive and south of S.D. Highway 44. Motion was made by Olson, second by LaCroix and carried that Ordinance 5625 be placed upon its first reading. The title was fully and distinctly read and second reading set for Tuesday, July 6, 2010

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

Motion was made by Olson, second by Waugh and carried to approve (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 with the following stipulations: 1. 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; 2. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 3. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Olson, second by Waugh and carried to approve (No. 10PL031) A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Layout Plat** 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 a portion of the N1/2 of the SE1/4, located in the N1/2 of the SE1/4, 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 with the following stipulations: 1. Upon submittal of a Preliminary Plat application, a Master Utility Plan showing 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; 2. Upon submittal of a Preliminary Plat application, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to provide utility easements as needed; 3. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of a utility easement to allow the future construction of a 12 inch water main extending from Fairmont Boulevard through the site as per the City's Utility Master Plan and the CETEC Planning Report. In addition, the applicant shall coordinate the cost of the water main with the City; 4. Upon submittal of a Preliminary Plat application, a Stormwater Management Plan which includes an Erosion and Sediment Control Plan and a Post-construction Stormwater Quality Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 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 drainage plan shall also address the remaining improvements needed for the existing detention pond located in the southeast corner of the property. The plat document shall also be revised to provide drainage easements as necessary; 6. Upon submittal of a Preliminary Plat application, a geotechnical report including pavement design shall be submitted for review and approval. In addition, the geotechnical report shall include soils resistivity test results. If the results indicate severe potential towards corrosion of buried metal, then information shall be provided identifying that corrosion protection per Rapid City Standard Specifications is adequate protection or additional corrosion protections shall be provided as needed for buried water system metal fixtures; 7. Upon submittal of a Preliminary Plat application, road construction plans for Fairmont Boulevard shall be submitted for review and approval. In particular, the road construction plans shall show the street constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 8. Upon submittal of the Preliminary Plat application, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval or a Variance to the Subdivision Regulations waiving the requirement to provide a central water system shall be obtained; 9. Upon submittal of a Preliminary Plat application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 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.

Motion was made by Olson, second by Costello and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Meadowbrook Drive as it abuts Lot 2, Block 2, Dunham Estates, located in Section 16, T1N, R7E, Pennington County, South Dakota, located at 3404 Meadowbrook Drive. (PW060110-16)

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

Motion was made by Olson, second by LaCroix and carried to approve (No. LF042810-05) Resolution No. 2010-038 to Establish the Position of Airport Electrician.

RESOLUTION NO. 2010-038  
RESOLUTION TO ESTABLISH THE POSITION OF AIRPORT ELECTRICIAN

WHEREAS, the Airport Executive Director has requested that the position of Airport Electrician should be established to provide the necessary services at the Airport for the City of Rapid City; and

WHEREAS, an evaluation established that the duties and responsibilities of the following position justify placing the classification within Grade 15 of the non-union pay scale;

Job Title	Grade	Wage
Airport Electrician	15	\$16.72 to \$25.44/hr.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the non-union pay scale by adding the above position classification description at the grade recommended in the job evaluation.

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Olson, second by LaCroix, to approve (No. LF042810-06) Resolution No. 2010-052 to Amend the City of Rapid City Compensation Plan by Reclassifying the Position of Deputy Airport Director. Upon roll call vote being taken, motion carried with NO votes from Weifenbach and Hadcock.

Motion was made by Waugh, second by Weifenbach and carried to reconsider Item 50 (No. LF042810-06).

Motion was made by Olson, second by Costello, to approve (No. LF042810-06) Resolution No. 2010-052 to Amend the City of Rapid City Compensation Plan by Reclassifying the Position of Deputy Airport Director. Hadcock indicated she does not understand the reclassification when we have no growth and explained that she is not in favor. Weifenbach said he does not support the item in the spirit of the economy and controlling expenses. Responding to Kooiker, Humphres indicated their staff would be going from 5 managers to 4. He briefly discussed the proposed changes and said they would be reducing overall salary costs by over \$20,000 per year. He said he does not want to wait to discuss this item during budget hearings because others are already taking on more responsibilities. Chapman mentioned that a receptionist position was requested during the last budget cycle and asked what has changed since then. Humphres explained that his priority differs from his predecessor and said he wants to realign management staff. He also pointed out that this would come out of an enterprise fund, not the general fund, and that this is a budget reduction plan. Chapman asked why the employees cannot do the work without the pay raise until the next budget cycle and said a responsible thing to do is to ask Humphres to wait for the next budget cycle.

Substitute motion was made by Hadcock, second by Weifenbach, to continue the item to the next budget hearing. Weifenbach said others have faced economic challenges and felt it is appropriate to wait. Responding to LaCroix, Humphres described the current positions. Upon roll call vote being taken, motion carried with NO votes from LaCroix and Chapman.

**Public Works Committee Items**

Motion was made by Costello, second by Hadcock, to (No. PW051110-01) set a Special Council meeting regarding a request to eliminate on-street parking from Jackson Boulevard near Mountain View Road

due to intersection reconstruction and ask the Mayor's office to contact the Council members, SDDOT and property owners regarding a specific date. Chapman clarified that we are only scheduling a meeting to discuss the parking. Motion carried.

Motion was made by Costello, second by Waugh, to (No. PW061510-01) Stay enforcement on Imperial Hotel Sign at 100 Saint Joseph Street and have staff bring forward a report at the August 31, 2010, Public Works Committee Meeting regarding the ability to grant encroachments on a permit basis. Costello said this is not the only sign affected, and in response to a question, Green explained that a survey was done by the DOT identifying this encroachment which led to the need for action to be taken. Ellis further clarified that the city code does not allow these encroachments. He also confirmed that this does not affect our ability to receive federal funding. Motion carried.

Motion was made by Costello, second by Olson, to continue (No. PW060110-02) the report on Cabela's Land Transfer to the July 6, 2010 City Council meeting. Costello explained that he had not had time to review the letter as it was received June 18th. Responding to Chapman, Green confirmed he visited with Ms. Martin about some issues raised during public comment. Mayor Hanks confirmed they do not have a hard copy of the letter yet but will make sure it is linked to the next agenda. Motion carried.

Motion was made by Costello, second by LaCroix and carried to (No. 10FV005) Approve a request by Sarah Baron Houy for a **Fence Height Exception to allow a six foot high fence within the 25 front yard setback** on Lot C of Lot 10 of Block 1 of Chapel Valley Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4515 Steamboat Circle with stipulations. (Note: Stipulations had been met prior to approval by the Public Works Committee.)

Motion was made by Costello, second by Waugh, to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation for the installation of sidewalk along Lombardy Drive as they abut Lot 9 of Block 1 of Lombardy Industry Park, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Lombardy Drive. (PW061510-14) Responding to Hadcock, Elkins reviewed the area indicating there are no existing sidewalks in the area so it would not connect with anything else at this time. The sidewalks could be installed in the future. Motion carried.

Motion was made by Costello, second by LaCroix and carried to (No. PW061510-14) Approve a Request to waive requirement to install sidewalk per City Ordinance 12.16.080, located at 1876 Lombardy Drive legally described as Lot 9 of Block 1 of Lombardy Industrial Park, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota with the stipulation that the waiver of right to protest is signed.

### **Bids**

The following companies submitted bid for (No. CC062110-02.1) Silver Street Area Utility Improvements – Project No. SSW07-1656 / CIP No. 50418 opened June 15, 2010: Hills Materials Company, Rapid Construction Company, Heavy Constructors Inc., RCS Construction Inc. and Mainline Contracting Inc. Staff reviewed the bids and recommends bid award to Heavy Constructors. Motion was made by LaCroix, second by Waugh and carried to approve the bid award to the lowest responsible bidder, Heavy Constructors, in the amount of \$2,542,908.63 for the base bid plus alternates 1 and 2. Hadcock pointed out that we have come a long way in that area. Motion carried.

The following companies submitted bids for (No. CC062110-02.2) Twenty-Four (24) Street Light LED Luminaries opened June 15, 2010: Graybar Electric Inc. and Dakota Supply Group. Staff reviewed the bids and recommends bid award to Graybar Electric Inc. Motion was made by LaCroix, second by Waugh and carried to approve the bid award to the lowest responsible bidder, Graybar Electric Inc., in the amount of \$14,989.92. Ellis explained this project and pointed out that it is funded by a grant.

The following companies submitted bids for (No. CC062110-02.3) Twenty-Four (24) Street Light Induction Luminaries opened June 15, 2010: Graybar Electric Inc. and Dakota Supply Group. Staff reviewed the bids and recommends bid award to Graybar Electric Inc. Motion was made by LaCroix, second by Chapman and carried to approve the bid award to the lowest responsible bidder, Graybar Electric Inc., in the amount of \$7,994.88.

The following companies submitted bids for (No. CC062110-02.4) Sodium Chloride opened June 15, 2010: Black Strap Inc., Cargill Inc., Nebraska Salt and Grain and Pheasant Country Express Inc. Staff reviewed the bids and recommends bid award to Pheasant Country Express. Motion was made by LaCroix, second by Costello, to approve the bid award to the lowest responsible bidder, Pheasant Country Express, in the amount of \$71.00 per unit not to exceed \$355,000.00. Ellis explained that they are establishing a unit price and explained the reason for last year's shortfall in the budget. Motion carried.

The following companies submitted bids for (No. CC062110-02.5) 2010 Chip Seal Project, Mountain View Area – Project No. ST10-1855 / CIP No. 50549 opened June 15, 2010: Hills Materials Company and Simon Contractors of SD Inc. Staff reviewed the bids and recommends bid award to Hills Materials Company. Motion was made by LaCroix, second by Chapman and carried to approve the bid award to Hills Materials Company in the amount of \$255,750.00.

The following companies submitted bids for (No. CC062110-02.6) Jackson Boulevard Joint Sealing and Panel Repair – Project No. ST10-1871 / CIP No. 50445 opened June 15, 2010: Simon Contractors of SD Inc. and Stanley J Johnson Concrete Contractor Inc. Motion was made by LaCroix, second by Costello, to approve the bid award to the lowest responsible bidder, Stanley J Johnson Concrete Contractor Inc., in the amount of \$135,605.00. Mayor Hanks explained that we are repairing our portion of the road and the remainder is the responsibility of SDDOT. Motion carried.

The following companies submitted bids for (No. CC062110-02.7) 2010 Miscellaneous Improvements Project – Project No. ST10-1857 / CIP No. 50298 opened June 15, 2010: Simon Contractors of SD Inc., Lipp Construction Inc. and Stanley J Johnson Concrete Contractors Inc. Staff reviewed the bids and recommends bid award to Lipp Construction. Motion was made by LaCroix, second by Waugh, to approve the bid award to the lowest responsible bidder, Lipp Construction, in the amount of \$112,745.66 for the base bid plus alternates. Ellis explained this is for several minor projects across town. The advertising authority amounts were discussed, and Ellis indicated there is starting to be less competition for projects. Motion carried.

The following companies submitted bids for (No. CC062110-02.8) Rapid City Landfill Cell No. 12 Closure - Project No. LF09-1844 / CIP No. 50783 opened June 15, 2010: Lind Exco Inc., Zandstra Construction and Rapid Construction Co. Staff reviewed the bids and recommends bid award to Rapid Construction Co. Motion was made by LaCroix, second by Costello, to approve the bid award to the lowest responsible bidder, Rapid Construction Co, in the amount of \$404,890.00. Responding to Kooiker, Green confirmed this bid award will not negatively affect the ongoing civil or criminal investigation. Motion carried.

### ***Mayor's Items***

Mayor Hanks explained that he previously owned a building which had a lease for a sign on the side of it. He continued to briefly describe the lease agreement and explained that the building was in his wife's name when it was sold approximately one year ago. It was indicated that he has a sales agreement with the current property owners that Ms. Hanks receive \$450 for the next 4 years. When asked, Green explained that this situation does not constitute a conflict of interest under statute 6-1-17. He explained each category identified by the SD Supreme Court and said he does not believe any of them are applicable. He also said that the arrangement, as described by the Mayor, sounds like an installment

sales contract with the current property owner. Motion was made by Chapman, second by LaCroix, to acknowledge the discussion. Hadcock indicated that Alan Hanks' name is on the checks, not his wife, so she said this is a conflict of interest. She said he should abstain since he receives the money. Responding to a question, Green reiterated that the issue the Mayor voted on does not constitute a direct pecuniary interest. Hadcock said it is fair to abstain from voting when you have a relationship with any company, and she mentioned that Alderman LaCroix was advised not to vote on casino issues as his wife is an employee. Mayor Hanks clarified he has not had ownership in the property in the last 6 to 8 years. He reiterated that the contract requires the payment of \$450 to his wife for the next 4 years and said he would be willing to donate that money to the United Way. Weifenbach explained that he had emailed the Mayor as he did not understand the Mayor's decision on the vote and said it is important to understand motivations behind the vote. He said he takes pride in making sure he is fair on the Dias. LaCroix explained his conflict of interest regarding his wife's employment and said the advice he received was to abstain no matter what. He felt the Mayor should have abstained. Hadcock expressed her frustration that the Council was not aware of the conflict of interest until now, and in response to a question, Green explained that the option to reconsider must be exercised prior to the vote being taken. He said the only remedy is to invalidate the vote, and if you do that, the vote fails as it was a 5 to 5 vote. It was indicated that to overturn the Planning Commission's decision there must be 6 votes. Responding to Hadcock, Terry Olson explained that he believes this is a conflict of interest because the Mayor was upset when he was told the lease would be enforced, and Olson said Hanks told him that he would sue Lamar. Green reiterated that if the vote is a tie the decision of the Planning Commission would stand. He said Council did not give notice of intent to reconsider, and he pointed out that this was a public hearing item. Responding to Hadcock, Terry Olson indicated that the checks are made out to Alan Hanks and the scuba shop. Hadcock said if there is a perception of a conflict of interest she said she would ask people to abstain. She discussed her disappointment that Lamar went through the application process and were turned down. Chapman said we are merging several issues and recommended staying on one topic. He suggested the Mayor turn the gavel to the Council President so Mayor can respond. At this time, Mayor Hanks requested that Council President LaCroix take over the meeting. Responding to Costello, Green said there is no process to reconsider the item in the future as the Council would have had to give notice of that intention at the last meeting. This is in the Council rules and procedures. When asked, Green said this has happened in the past when he was Assistant City Attorney. He explained the situation and said the City was sued. The Judge ruled that the reconsideration was inappropriate as the only time you can reconsider is at the same meeting. Green said the rules today are in part response to that ruling, and he does not believe the Council can permit themselves to reconsider an item that was a public hearing. He said if the process was going to take place for the Council to 'undo' the decision Lamar would have to start over with the application process, but he said there is good legal argument that the Council cannot do that. Alderwoman Olson said we should acknowledge this discussion and move on. Responding to Weifenbach, Green briefly discussed the vote from the last meeting, and he confirmed that it is forbidden by law to repeal this action. Mayor Hanks reviewed his involvement with the building again, and he made a comparison to having a CD at a local bank. Responding to Weifenbach, Green said that owning a CD would not prevent voting but said all situations are fact sensitive. He also confirmed again that the Mayor's situation does not constitute a conflict of interest. Motion carried.

Council President LaCroix turned the gavel back over to the Mayor.

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

Alderwoman Hadcock reported that the Fire Department raised \$43,000 this year for the Muscular Dystrophy Association. Weifenbach expressed his thanks as well. Motion was made, seconded and carried to acknowledge the report.

Alderman Weifenbach pointed out that new Council members will be sworn in soon and suggested that there is some level of discussion on conflicts of interest. Motion was made by LaCroix, second by Olson, to acknowledge the report. Chapman said that they are currently looking at some base level training for

new Council members, and he also suggested that somehow Council policies need to be codified. In response to a question from Hadcock, it was confirmed that when running for office a candidate needs to disclose income if it exceeds \$2,000 per year. Motion carried.

Mayor Hanks turned the meeting over to Council President LaCroix at this time. Motion was made by Chapman, second by Olson, to direct the Legal and Finance Committee to deliver Ordinance 5623 on the off-premise sign credits at the July 6, 2010 City Council meeting. Olson stated that the committee worked hard, and she supports reconsideration. Kroeger asked how the ordinance could be made better. In response to a question, Green said if Council made significant alterations to a number of ordinances they could allow Lamar to put up the billboards. Weifenbach said this has nothing to do with the task force recommendations, and he indicated that he will be asking for details on the ordinance at the Legal and Finance meeting. Chapman said he is in favor of the motion, and he said if a person does not like the ordinance they should work through the process to change it. Hadcock reiterated that Lamar followed the process, and Chapman explained why he voted against the issue.

Question was called by Kooiker, second by Olson. Weifenbach objected and called a point of order as he was next in line. LaCroix overruled the point of order. Upon a vote being taken on the motion to call the question, the following voted AYE: Olson, Waugh and Martinson; NO: Kooiker, Costello, LaCroix, Chapman, Weifenbach, Kroeger and Hadcock. Motion to call the question failed.

Responding to Weifenbach, Green confirmed the Legal and Finance committee has the authority to table an item. Weifenbach said the Council was clearly aware Lamar had an application for the permit before the moratorium existed so to say this came forward after the fact is inappropriate. Motion carried. It was noted that Mayor Hanks sat out of the discussion.

Alderman Chapman gave a brief update regarding the BID Board. He pointed out that there is precedence established for BIDs in this community. He said he looks forward to this BID getting stronger and a positive vote on next week's BID. Motion was made by Costello, second by Olson and carried to acknowledge the report.

Alderman Costello encouraged citizens to vote on Tuesday, June 29, 2010 for runoffs and the BID issue. Martinson pointed out that every vote counts. Motion carried.

#### **PUBLIC HEARING ITEMS** – Items 67 – 114

Motion was made by Olson, second by LaCroix and carried to open the public hearing for Items 67 to 114.

Aida Compton spoke regarding the alcohol licenses for Bully Blends and indicated she would like the stipulation removed that they cannot use their parking lot until it is paved as they are waiting for the ground to settle first.

Larry Titus spoke against No. 10PD019 due to changes in the neighborhood, and he explained the other businesses in the area and concerns with traffic. Jenny Day explained that she is proposing a daycare center at the location and requested support.

Doug Noyes, Jim Soren, Neil Neilson and David Olson indicated their support for No. 10PD033, and Paula Reiser and Robert Garcia expressed their opposition to the item.

#### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 67 – 79

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

***Continue the following items until July 6, 2010:***

67. 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.
68. 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.
69. No. 10SV009 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as The E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4, Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, located west of Tower Road and north of Skyline Ranch Road.
70. No. 10SV010 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
71. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on The St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet

of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

***Continue the following items until June 28, 2010:***

72. No. 10CA005 – A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the 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.
73. No. 10CA006 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on a portion of the 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 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.
74. No. 10CA007 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Public to General Commercial with a Planned Commercial Development** on a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 65.73 feet, to the point of beginning; Thence First course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 109.48 feet; Thence Second course: S54°45'40"E, a distance of 151.94 feet; Thence Third course: S83°19'13"E, a distance of 383.89 feet; Thence Fourth course: S06°40'47"W, a distance of 50.00 feet; Thence Fifth course: N83°19'18"W, a distance of 396.61 feet; Thence Sixth course: N54°45'41"W, a distance of 262.07 feet, to the point of beginning, located north of Stumer Road and west of Fifth Street.

75. No. 10CA008 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from General Commercial with a Planned Commercial Development to Public** on a portion of the E½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza, common to the northeasterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza, common to a point on the southerly edge of Fifth Street right-of-way, thence S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way, a distance of 268.61 feet, to the point of beginning; Thence First course: S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way a distance of 203.98 feet; Thence Second course: S27°26'24"W, a distance of 200.74 feet; Thence Third course: N83°19'13"W, a distance of 218.49 feet; Thence Fourth course: N27°30'19"E, a distance of 278.42 feet, to the point of beginning, located at the intersection of Stumer Road and Fifth Street.
76. No. 10RZ016 - A request 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 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 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.
77. No. 10RZ017 - A request 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.
78. No. 10RZ018 - A request 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.

79. No. 10RZ019 - A request 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.

#### END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by LaCroix, second by Chapman and carried to close the public hearing for Items 67 to 114.

#### **CONSENT PUBLIC HEARING ITEMS** – Item 80 – 102

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

85. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Malt Beverage License TRANSFER from 410 5<sup>th</sup> Street (*Continued from June 7, 2010 City Council meeting*)
86. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Wine License TRANSFER from 410 5<sup>th</sup> Street (*Continued from June 7, 2010 City Council meeting*)
91. South City Investments LLC DBA South City Billiards, 640 E. St. Patrick St. for a Retail (on-off sale) Malt Beverage License 2010 – 2011 Renewal WITH Video Lottery

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

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

80. No. 10CA013 - Approve a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE¼ of the SW¼, a portion of the S½ of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE ¼ of the SW ¼ of Section 31, T2N,

R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, located north of East Omaha Street between Racine Street and LaCrosse Street.

RESOLUTION #2010 - 074  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21st day of June, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development on a portion of Tract B of the SE¼ of the SW¼, a portion of the S½ of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE ¼ of the SW ¼ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Medium Density Residential to General Commercial with a Planned Commercial Development on a portion of Tract B of the SE¼ of the SW¼, a portion of the S½ of vacated St. Louis Street right-of-way, and a portion of the east 10 feet of vacated Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE ¼ of the SW ¼ of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course curving to the left, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of N56°16'05"W, and chord distance of 369.88 feet; Thence second course: N90°00'00"W, a distance of 142.94 feet; Thence third course: N00°02'43"E, a distance of 128.60 feet; Thence fourth course: S89°30'42"E, a distance of 449.43 feet; Thence fifth course: S00°10'47"W, along the easterly boundary of said Tract B, a distance of 330.17feet to the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street, as attached to the original hereof and be filed with the City Finance Office.

Dated this 21st day of June, 2010.

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

ATTEST:  
s/ James F. Preston  
Finance Officer

(SEAL)

81. No. 10CA014 - Approve a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development** on a portion of Tract B of the SE¼ of the SW¼, a portion of the east 10 feet of vacated Racine Street right-of-way, and a portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5 thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, located north of East Omaha Street between Racine Street and LaCrosse Street.

RESOLUTION #2010 - 075  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21st day of June, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development on a portion of Tract B of the SE¼ of the SW¼, a portion of the east 10 feet of vacated Racine Street right-of-way, and a portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5 thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and

Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Mobile Home Park to General Commercial with a Planned Commercial Development on a portion of Tract B of the SE¼ of the SW¼, a portion of the east 10 feet of vacated Racine Street right-of-way, and a portion of Racine Street right-of-way, all located in Section 31, T2N, R8E, and a portion of Racine Street right-of-way, Lots 1 thru 4, 21 and a portion of Lots 5 thru 20 and the vacated alley located in Block 1 of Brennen and Sweeney Addition, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE¼ of the SW¼ of Section 31, T2N, R8E, BHM, common to the northeasterly corner of Block 1 of Brennen and Sweeney Addition, and the point of beginning, Thence first course: S00°16'07"W, along the easterly boundary of said Block 1, a distance of 106.27 feet; Thence second course: S89°47'39"W, a distance of 510.47 feet, to a point on the westerly edge of Racine Street Right-of-Way; Thence third course: N00°12'21"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 108.08 feet, to a point on the section line common to Section 31, T2N, R8E, BHM, and Section 6, T1N, R8E, BHM; Thence fourth course: N00°09'45"W, along the westerly edge of said Racine Street Right-of-Way, a distance of 60.09 feet, to the southeasterly corner of Lot 1 of Eastbrooke Subdivision; Thence fifth course: S89°51'02"E, distance of 60.52 feet; Thence sixth course: N00°02'43"E, a distance of 145.48 feet; Thence seventh course: S90°00'00"E, a distance of 142.94 feet; Thence eighth course curving to the right, along, on a curve with a radius of 354.60 feet, a delta angle of 62°52'17", a length of 389.11 feet, a chord bearing of S56°16'05"E, and chord distance of 369.88 feet, to the southeasterly corner of said Tract B, common to the northeasterly corner of said Block 1, and the point of beginning, more generally described as being located north of East Omaha Street between Racine Street and LaCrosse Street, as attached to the original hereof and be filed with the City Finance Office.

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

82. No. 10CA015 - Approve a request by Dream Design International, Inc. for an **Amendment to the adopted Comprehensive Plan to change the future land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine Street.

RESOLUTION #2010 - 076  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21st day of June, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between South Waterloo Street and Racine Street; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Medium Density Residential to Office Commercial with a Planned Commercial Development on a portion of Lot 1 of Eastbrooke Subdivision, a portion of the S½ of vacated St. Louis Street right-of-way and a portion of Racine

Street right-of way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 128.60 feet; Thence eighth course: N89°57'17"W, a distance of 545.03 feet, to a point on the westerly boundary of said Lot 1; Thence ninth course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 121.33 feet, to the northwesterly corner of said Lot 1 and the point of beginning, more generally described as being located north of East Omaha Street between South Waterloo Street and Racine Street, as attached to the original hereof and be filed with the City Finance Office.

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

- 83. No. 10CA016 - Approve a request by Dream Design International, Inc. for an **Amendment to the Adopted Comprehensive Plan to change the future land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development** on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course: S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04 feet, to the southwesterly corner of said Lot 1, and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine Street.

RESOLUTION #2010 - 077  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21st day of June, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Mobile Home Park to Office Commercial with a Planned Commercial

Development on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course: S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1, and the point of beginning, more generally described as being located north of East Omaha Street between South Waterloo Street and Racine Street; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Mobile Home Park to Office Commercial with a Planned Commercial Development on a portion of Lot 1 of Eastbrooke Subdivision, and a portion of Racine Street right-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 1 of Eastbrooke Subdivision, and the point of beginning, Thence first course: N00°13'38"E, along the westerly boundary of said Lot 1, a distance of 95.04 feet; Thence second course: S89°57'17"E, a distance of 545.03 feet; Thence third course: S00°02'43"W, a distance of 145.48 feet; Thence fourth course: N89°51'02"W, a distance of 62.11 feet, to the southeasterly corner of said Lot 1; Thence fifth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence sixth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence seventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1, and the point of beginning, more generally described as being located north of East Omaha Street between South Waterloo Street and Racine Street, as attached to the original hereof and be filed with the City Finance Office.

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

84. No. 10CA017 - Approve a request by City of Rapid City for an **Amendment to the adopted Comprehensive Plan to change the land use designation from Park Forest to Public** on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E,

BHM, Pennington County, South Dakota, located north of Cleghorn Canyon Road and west of Jackson Boulevard.

RESOLUTION #2010 - 078  
RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 21st day of June, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Park Forest to Public on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Cleghorn Canyon Road and west of Jackson Boulevard; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to change the land use designation from Park Forest to Public on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, more generally described as being located north of Cleghorn Canyon Road and west of Jackson Boulevard, as attached to the original hereof and be filed with the City Finance Office.

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

87. Downtown Rapid City Economic Development Corp. DBA Destination Rapid City, 606 Main Street for a Special Event Malt Beverage and Wine License for an event scheduled July 4, 2010 at Memorial Park.
88. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Malt Beverage License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520
89. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Wine License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520
90. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Package (off sale) Liquor License TRANSFER from Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520

2010-2011 Retail (On-Off Sale) Malt Beverage License Renewals NO Video Lottery

92. Northstar Inc. DBA Hunan Chinese Restaurant, 1720 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License
93. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St., for a Retail (on-off sale) Malt Beverage License
94. Benjamin and Maria Munoz DBA El Ranchito Mexican Restaurant, 1012 E. North St. Ste. A, for a Retail (on-off sale) Malt Beverage License
95. Curry Masala Inc. DBA Curry Masala, 510 St. Joseph Street, for a Retail (on-off sale) Malt Beverage License
96. Orris Enterprises Inc. DBA Vino 100, 520 7<sup>th</sup> Street Ste. 520 and 518, for a Retail (on-off sale) Malt Beverage License

2010-2011 Package (Off-Sale) Malt Beverage License Renewals

97. Nash Finch Company DBA Family Thrift Center #253, 1516 E. St. Patrick St., for a Package (off-sale) Malt Beverage License
98. Mini Mart Inc. DBA Mini Mart #442, 3106 W. Main St., for a Package (off-sale) Malt Beverage License
99. Mini Mart Inc. DBA Mini Mart #444, 1627 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
100. Mini Mart Inc. DBA Mini Mart #447, 1601 N. Haines Ave., for a Package (off-sale) Malt Beverage License
101. Mini Mart Inc. DBA Mini Mart #451, 4260 Canyon Lake Dr., for a Package (off-sale) Malt Beverage License

**Assessment Rolls**

102. No. LF051210-04 - Approve Resolution 2010-068 Levying Assessment for the Cleanup of Miscellaneous Property.

RESOLUTION #2010-084  
RESOLUTION LEVYING ASSESSMENT FOR  
CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 21st day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented a request by Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Malt Beverage License TRANSFER from 410 5<sup>th</sup> Street. Motion was made by Olson, second by LaCroix, to approve the request. Elkins explained the issues mentioned by the applicant during the public comment are related to the conditional use permit. It was clarified that the applicant can use the parking lot prior to it being paved, and she has until October to complete the paving.

Substitute motion was made by Kooiker, second by Waugh, to approve the above referenced malt beverage request by Bully Blends and a request by Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 908 Main Street, for a Retail (on-off sale) Wine License TRANSFER from 410 5<sup>th</sup> Street. Motion carried.

Motion was made by Olson, second by Costello and carried to approve a request by South City Investments LLC DBA South City Billiards, 640 E. St. Patrick St. for a Retail (on-off sale) Malt Beverage License 2010 – 2011 Renewal WITH Video Lottery

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 103 – 114

The Mayor presented (No. 10PD019) **An Appeal of the Planning Commission's Decision on a request by Henriksen, Inc. for Jenny Day for a Planned Residential Development - Initial and Final Development to allow a child care center** on Lots 19 thru 24 of Block 9 of Boulevard Addition, Section

2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1123 Kansas City Street. Motion was made by Olson, second by Waugh, to approve the item with the following stipulations: 1. Prior to Planning Commission approval, a revised site plan be submitted for review and approval showing the location of the proposed mechanical equipment and screening fence; 2. All signage shall conform to the design, color and location as shown in the sign package approved as a part of the Planned Commercial Development. No electronic signs are approved as a part of this Development Plan. The addition of electronic signage will require a Major Amendment to the Planned Commercial Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. The Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code. The lighting for the signs shall be designed to preclude shining on the adjacent properties and/or street(s). A sign permit shall also be obtained for each individual sign; 3. The Planned Residential Development shall allow the property to be used as a child care center. A maximum of 75 children and eight staff members shall be allowed at the child care center. The hours of operation for the child care center shall be from 5:30am to 7pm, Monday through Friday with the outdoor play area to be utilized only during the hours of 9:00 a.m. to 6:00 p.m. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; 4. A minimum of 3,200 square feet of indoor play space and 2,998 square feet of outdoor play space shall be provided on the site as per Section 17.50.150.C of the Rapid City Municipal Code; 5. The structure shall conform architecturally to the plans and elevations approved with the Planned Residential Development; 6. The parking plan shall continually comply with all requirements of the Zoning Ordinance and the approved parking plan. A minimum of 17 parking spaces, including one van accessible handicap space shall be provided. In addition, five parent unloading spaces shall be maintained in the parking area as shown on the submitted plans; 7. The landscaping plan shall continually comply with all requirements of the Zoning Ordinance and the approved landscaping plan. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; 8. All provisions of the Medium Density Residential District shall be met unless specifically authorized as a stipulation of this Planned Residential Development, or a subsequent Major Amendment; 9. The front yard setback is hereby reduced from 25 feet to 20 feet for the existing building on the site. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided; 10. The rear yard setback is hereby reduced from 25 feet to 9 feet for the existing building on the site and from 25 feet to 4 feet for the HVAC equipment. Any removal of the building in whole or part shall require that a minimum 25 foot front yard setback be provided; 11. The rear yard setback is hereby reduced from 5 feet to 2 feet for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot rear yard setback be provided; 12. The side yard setback is hereby reduced from 5 feet to 1 foot for the existing garage on the site. Any removal of the building in whole or part shall require that a minimum 5 foot side yard setback be provided; 13. A maximum lot coverage of 35 percent in lieu of 30 percent shall be allowed. Any removal of the structures in whole or part shall require that a maximum of 30 percent lot coverage be maintained; 14. Prior to issuance of a building permit, the owner must enter into a Developmental Lot Agreement. In addition, the agreement must be recorded at the Register of Deed's Office and a copy of the recorded document submitted to the Growth Management Department; 15. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 16. The HVAC units shall not exceed the 65 db noise level as proposed; 17. All International Fire Codes shall be continually met; and, 18. The Planned Residential Development shall expire if the use is not undertaken within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years. Responding to Hadcock, Elkins explained the area in question and confirmed there would be a fence around the daycare. In response to Olson, Elkins said a resident said he had a parking agreement with the previous owners, but the City does not have record of an agreement. She also reviewed the traffic in the area. Motion carried.

The Mayor presented (No. 10PD033) **An Appeal of the Planning Commission's Decision** on a request by Cetec Engineering Services, Inc. for Bethel Assembly of God Church for a **Major**

**Amendment to a Planned Residential Development** on Lot C-2 and half of the vacated Marshall Boulevard and Lot 1 of Lot C-1 and half of the vacated Marshall Boulevard adjoining of Marshall Heights Tract, all in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1202 North Maple Avenue. Motion was made by Olson, second by Hadcock, to approve the item with the following stipulations: 1. Prior to Planning Commission approval, construction plans and details, stamped by a Professional Engineer shall be submitted for review and approval for the retaining wall in excess of four feet located around the playground; 2. Prior to issuance of a building permit for the existing retaining walls in excess of 4 feet, sidewalks, mechanical pads and screening, the detention pond outlet modifications shall be constructed in compliance with the original approved plans. In addition, the detention's pond outlet pipe and the inlet pipe for the 12 inch Herman Street outfall shall be uncovered to remove existing debris and to shape the pipe end areas to insure free flow conditions. The exposed 12 inch reinforced concrete pipe located along the north lot line of Lot 9, Block 7, Knollwood Heights #2 shall be removed and relayed. In addition, a minimum of 6 inches of soil cover and grass seed or sod shall be placed over the disturbed area. All work to be done on Lot 9, Block 7 shall be conducted within the existing drainage easement located along the north lot line or additional easement(s) shall be obtained from the property owner(s) as needed; 3. Prior to Planning Commission approval, the parking plan shall be revised to show the access aisles located adjacent to the handicap parking spaces are designed in compliance with the City's Parking Regulations; 4. Upon approval of the Major Amendment to the Planned Commercial Development, a building permit for the existing retaining walls in excess of four feet, sidewalks, mechanical pads and screening shall be obtained; 5. A minimum of 151 parking spaces shall be provided with six of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of eight parent drop off spaces shall be maintained at the entrance to the building as shown on the site plan. In addition, a minimum of three planter islands shall be provided within the parking lot. Each planter island shall contain a minimum of 100 square feet, and provide a minimum of one tree with shrubs, groundcover and/or mulch covering at the base. All provisions of the Off-Street Parking Ordinance shall be continually met; 6. A minimum of 151,130 landscaping points shall continue to be provided. The landscape plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be maintained in a live vegetative state and replaced as necessary; 7. The church shall continually conform architecturally to the previously approved elevations, design plans and color palette submitted as part of the Initial and Final Planned Residential Development and the subsequent Major Amendment to the Planned Residential Development; 8. All signage shall conform to the design, color and location as shown in the sign package submitted and approved as a part of the Planned Residential Development. Changes to the proposed sign package, which the Growth Management Director determines to be consistent with the original approved sign package, shall be allowed as a Minimal Amendment to the Planned Commercial Development. In addition, the Growth Management Director may approve temporary signs in accordance with Chapter 15.28.080 of the Rapid City Municipal Code; 9. All outdoor lighting shall be reflected within the property boundaries so as to not shine onto adjoining properties and rights-of-way and to not be a hazard to the passing motorist or constitute a nuisance of any kind; 10. The noise levels emitted from the HVAC system shall not exceed 65 Ldn at the property line. If concerns are raised regarding the noise levels, the owner shall conduct testing and provide documentation for review and approval by the Growth Management Director that the noise levels are in compliance with the 65 Ldn standards or shall construct all necessary improvements to comply with the standards; 11. The currently adopted International Fire Code and Building Code shall be continually met. In addition, the child care center and activities shall be restricted to the lower level as proposed until such time as fire sprinkler protection is provided to the sanctuary in the upper level; 12. A minimum of 6,720 square feet of indoor play space and a minimum of 2,700 square feet of outdoor play space shall be provided as per Section 17.50.150.C of the Rapid City Municipal Code. In addition, the fencing around the outdoor play space shall continually comply with Chapter 17.50.150.C of the Rapid City Municipal Code. In particular, the entire outdoor playground area shall be enclosed within a 42 inch high fence and shall be located a minimum distance of 25 feet from any property line which abuts right-of-way or a public street; 13. The Planned Residential Development shall allow the property to be used as a child care center and a church with a gymnasium, classrooms, concession area, youth café, office and storage as accessory uses to the church and child care center. A

maximum of 150 children and 30 staff members shall be allowed as a part of the child care center. The hours of operation for the exterior playground area shall be from 6:30 a.m. to 6:00 p.m. Monday through Friday. In addition, the child care center shall be operated in compliance with Chapter 17.50.150 of the Rapid City Municipal Code; and, 14. All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment to the Planned Residential Development or a subsequent Major Amendment. LaCroix suggested continuing the item for two weeks out of respect for the neighbors to see if something can be worked out. Responding to Olson, it was confirmed there is no alley on the eastern side of the property. It was indicated there are no plans for a fence in that location, but there is one around the playground. Jim Soren indicated they were willing to build a fence if it would help, and Ms. Reiser indicated that would help with her concerns with traffic and headlights pointing into her bedroom windows. Mr. Garcia said the fence would not help him as he does not want a daycare in his backyard. Hadcock said a fence makes a big difference.

Amendment motion was made by Hadcock, second by Weifenbach, to include stipulation #15 to install a 6' fence along the eastern property boundary to be constructed of wood or vinyl materials not to include slats in chain link. Responding to Hadcock, Soren indicated the playground is over 100 feet away from the closest home. He said no one else has complained, and he said to build a fence for the entire area is a great expense. Hadcock said it is about being a good neighbor to screen residents from the church. It was indicated the fence around the playground must be a minimum of 42". Olson said she supports fencing but wanted to know how much is required. Chapman pointed out that this will not work for both sides, and he supported continuing the item so the owners can discuss other options. LaCroix agreed with Chapman and said site visits should be made. Hadcock requested to withdraw her motion, and Weifenbach agreed. There were no other objections to withdrawing the motion.

Substitute motion was made by Hadcock, second by Chapman, to continue the item (No. 10PD033) to the July 6, 2010 City Council meeting. Hadcock pointed out that new Council members should look at this as well. Weifenbach asked what would change in two weeks and said he wants both parties to understand that anything can happen in two weeks. Upon roll call vote being taken, the following voted AYE: LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: Costello, Waugh, Martinson and Kooiker. Motion carried.

Ordinance 5592 (No. 10RZ011) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 15 of Melody Acres No. 2, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2709 Cactus Drive having passed its first reading on March 15, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5592 was declared duly passed upon its second reading.

Ordinance 5596 (No. 10RZ015) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lot 17 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located 2803 Cactus Drive having passed its first reading on March 15, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5596 was declared duly passed upon its second reading.

Ordinance 5597 (No. 10RZ020) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a

**Rezoning from No Use District to Mobile Home Residential District** on Lot 30 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2706 Cactus Drive having passed its first reading on March 15, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5597 was declared duly passed upon its second reading.

Ordinance 5614 (No. 10RZ034) 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 Medium Density Residential District to General Commercial District** on Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$ , a portion of the S $\frac{1}{2}$  of vacated St. Louis Street right-of-way, a portion of the east 10 feet of vacated Racine Street right-of-way, all located in Section 31, T2N, R8E, and the vacated alley located in Block 1 of Brennen And Sweeney Addition, in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southeasterly corner of Tract B of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 31, T2N, R8E, BHM, and the point of beginning, Thence first course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 165.60 feet, to the northeasterly corner of Vacated Alley of Block 1, Brennen and Sweeney Addition; Thence second course: S00°05'14"W, along the easterly edge of said Vacated Alley, a distance of 62.12 feet; Thence third course: N89°56'48"W, along the southerly edge of said Vacated Alley, a distance of 20.00 feet; Thence fourth course: N00°05'14"E, along the westerly edge of said Vacated Alley, a distance of 62.11 feet; Thence fifth course: N89°58'29"W, along the southerly boundary of said Tract B, a distance of 265.11 feet; Thence sixth course: N00°02'43"E, a distance of 333.80 feet; to a point on the southerly boundary of Lot A of Blakes Addition; Thence seventh course: S89°30'42"E, along the southerly edge of said Lot A, a distance of 449.43 feet; Thence eighth course: S00°10'47"E, along the easterly boundary of said Tract B, a distance of 330.17 feet, to the southeasterly corner of said Tract B, and the point of beginning, located north of East Omaha Street between LaCrosse Street and Racine Street having passed its first reading on June 7, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5614 was declared duly passed upon its second reading.

Ordinance 5615 (No. 10RZ035) 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 Medium Density Residential District to Office Commercial District** on Lot 1 of Eastbrooke Subdivision, a portion of the S $\frac{1}{2}$  of vacated St. Louis Street right-of-way and a portion of Racine Street right-of way Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Eastbrooke Subdivision, common to a corner on the easterly edge of Waterloo Street Right-of-way, and the point of beginning, Thence first course: S89°51'08"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 17.37 feet; Thence second course: N00°16'04"E, along the northerly boundary of said Lot 1, common to the easterly edge of said Waterloo Street Right-of-way, a distance of 4.07 feet; Thence third course: S89°49'26"E, along the northerly boundary of said Lot 1, a distance of 467.30 feet, to the northeasterly corner of said Lot 1; Thence fourth course: S89°09'06"E, a distance of 28.63 feet; Thence fifth course: N00°12'18"E, a distance of 4.94 feet; Thence sixth course: S89°30'42"E, a distance of 31.32 feet; Thence seventh course: S00°02'43"W, a distance of 274.08 feet; Thence eighth course: N89°51'02"W, a distance of 60.52 feet, to the southeasterly corner of said Lot 1; Thence ninth course: N89°51'02"W, along the southerly boundary of said Lot 1, a distance of 325.56 feet; Thence tenth course: N58°41'15"W, along the southerly boundary of said Lot 1, a distance of 96.18 feet; Thence eleventh course: S89°54'47"W, along the southerly boundary of said Lot 1, a distance of 77.04feet, to the southwesterly corner of said Lot 1; Thence twelfth course: N00°13'38"E, along the westerly boundary of said Lot 1, common to a point on the easterly edge

of said Waterloo Street Right-of-way, a distance of 216.37 feet, to the northwesterly corner of said Lot 1 and the point of beginning, located north of East Omaha Street between Waterloo Street and Racine Street having passed its first reading on June 7, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5615 was declared duly passed upon its second reading.

Ordinance 5618 (No. 10RZ036) 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 Public District** on Lots A and B of Lot 3, Lot B of Lot 4, North 202 feet of Lot 4 and the vacated street lying east and adjacent to Lot 4, all in Block 2 of Cleghorn Canyon Subdivision #2; and all of Block 1 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota; and the Right-of-way Lot CS in Block 1 of Cleghorn Canyon Subdivision #2 known as Cleghorn Canyon Lane, and Cleghorn Canyon Road adjacent to and south of Block 1 of Cleghorn Canyon Subdivision #2 and south of the vacated street lying east and adjacent to Lot 4 of Block 2 of Cleghorn Canyon #2, and the private lane adjacent and north of Lot B of Lot 4 of Block 2 of Cleghorn Canyon Subdivision #2, all located in the SW1/4 of Section 8, T1N, R7E, BHM, Pennington County, South Dakota, located north of Cleghorn Canyon Road and west of Jackson Boulevard having passed its first reading on June 7, 2010; motion was made by Olson, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5618 was declared duly passed upon its second reading.

Ordinance 5619 (No. 10RZ037) 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 7 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2806 East Fairmont Street having passed its first reading on June 7, 2010; motion was made by Olson, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5619 was declared duly passed upon its second reading.

Ordinance 5620 (No. 10RZ038) 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, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 Cactus Drive having passed its first reading on June 7, 2010; motion was made by Olson, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5620 was declared duly passed upon its second reading.

Ordinance 5621 (No. 10RZ039) 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 14 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2707 Cactus Drive having passed its first reading on June 7, 2010; motion was made by Olson, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon

the Mayor declared the motion passed and Ordinance No. 5621 was declared duly passed upon its second reading.

Ordinance 5622 (No. 10RZ040) 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 33 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2802 Cactus Drive having passed its first reading on June 7, 2010; motion was made by Olson, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5622 was declared duly passed upon its second reading.

**BILLS**

The following bills have been audited:

Payroll Paid Ending 06-05-10, Paid 06-11-10	853,598.53
Payroll Paid Ending 06-05-10, Paid 06-11-10	2,742.08
Pioneer Bank, Taxes Paid 06-11-10	200,411.80
Pioneer Bank, Taxes Paid 06-11-10	193.77
First Administrators, claims paid 06-09-10	102,243.29
First Administrators, claims paid 06-16-10	116,438.64
SD Retirement Special Pay Plan	45.00
Berkley Risk Admin, Paid 06-15-10	9,535.71
West River Electric Assoc, Paid 06-11-10	18,967.29
Computer Bill List	<u>3,864,926.79</u>
Subtotal	\$5,169,102.90
Payroll Paid Ending 06-05-10, Paid 06-11-10	2,778.05
Pioneer Bank, Taxes Paid 06-11-10	212.51
City of Rapid City, postage	3.90
Ikon Financial	8.95
Knology, April Phone	32.72
Knology, May Phone	37.04
Metropolitan Life Insurance, life insurance	6.42
O'Reilly Auto Parts	52.25
Simpson Printing	<u>130.00</u>
Total	\$5,172,364.74

Preston requested to add a payment First Administrators in the amount of \$9.00. The new bill list total is \$5,172,373.74. Motion was made by Weifenbach, second by Waugh and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

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

Motion was made by LaCroix, second by Costello and carried to go into Executive Session at 12:10 A.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 12:18 A.M. with all members present.

**STAFF DIRECTION**

No staff direction was given.

**ADJOURN**

As there was no further business to come before the Council at this time, the meeting was adjourned at 12:19 A.M.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

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

(SEAL)