

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 15, 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, March 15, 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, Ron Weifenbach and Ron Kroeger; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Malcom Chapman, Karen Gundersen Olson and Deb Hadcock.

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

ADOPTION OF AGENDA

The following item was removed from the agenda:

- Item 86 (No. 10PD011) A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Planned Commercial Development - Initial Development Plan** 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 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 S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 39.94 feet, and the point of beginning; Thence first course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 327.91 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence second course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence third course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence fourth course: S72°01'35"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence fifth course: N17°47'24"E, along the easterly boundary of said Lot 2 of Block 2, a distance of 7.95 feet; Thence sixth course: S72°47'30"E, a distance of 215.27 feet; Thence seventh course: S12°34'57"W, a distance of 65.81 feet; Thence eighth course: S55°01'52"E, a distance of 472.79 feet; Thence ninth course: S00°19'04"W, a distance of 384.24 feet; Thence tenth course: S73°23'42"E, a distance of 44.41 feet, to a point on the northerly edge of Stumer Road right-of-way; Thence eleventh course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 35°02'55", a length of 226.03 feet, a chord bearing of S72°48'06"W, and chord distance of 222.52 feet; Thence twelfth course: N89°40'48"W, along the northerly edge of said Stumer Road right-of-way, a distance of 730.69 feet; Thence thirteenth course: curving to the right, along the northerly edge of said Stumer Road right-of-way, on a curve with a radius of 369.50 feet, a delta angle of 30°00'39", a length of 193.54 feet, a chord bearing of N74°39'10"W, and chord distance of 191.33 feet; Thence fourteenth: N59°42'02"W, along the northerly edge of said Stumer Road right-of-way, a distance of 434.65 feet; Thence fifteenth course: N30°09'50"E, a distance of 114.26 feet; Thence sixteenth course: N13°16'45"W, a distance of 109.95 feet; Thence seventeenth course:

N12°34'56"E, a distance of 475.15 feet, to the point of beginning, located northwest of the intersection of Fifth Street and Stumer Road.

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

APPROVE MINUTES

Motion was made by Costello, second by LaCroix and carried to approve the minutes for the February 22, 2010 special Council meeting and March 1, 2010 regular Council meeting.

AWARDS AND RECOGNITIONS

Mayor Hanks presented a Certificate of Recognition to the following City employees and acknowledged their dedicated service to the Rapid City community: Lieutenant David Stratton, Police Department, 25 years; Larry Rose, Police Department, 20 years; and Dale Hatzenbuhler, Police Department, 20 years.

NON-PUBLIC HEARING ITEMS -- Items 3 – 80

Motion was made by Costello, second by LaCroix and carried to open the public comment for Items 3 – 52.

It was indicated that there was a request by a speaker for an extended speaking limit. Motion was made by Kooiker, second by Waugh, to allow five minutes for this comment period. Motion carried with one NO from Costello.

Don Perdue stated his support for the DID but expressed concerns that it is a committed fund. He discussed the budget, and he asked for three months moratorium to allow time to get solid numbers to see what this will cost.

Motion was made by Costello, second by LaCroix and carried to close the public comment for Items 3 – 52.

CONSENT ITEMS – Items 3 – 44

The following items were removed from the Consent Items:

- 6. No. PW030910-02 – Authorize staff to work with the appropriate entities to develop an RFI for the Google Fiber project.
- 10. No. PW030910-05 – Authorize Staff to Advertise for Bids for the Yard Waste Site Improvement – West Boulevard North, Project No. SWO10-1785. Estimated cost: \$60,000.00.

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

Alcoholic Beverage License Applications Set for Hearing (April 5, 2010)

- 3. Rapid City Summer Nights for special event Malt Beverage licenses for events scheduled on the following dates in 2010: June 10, 17, and 24; July 1, 8, 15, 22, and 29; August 5, 12, 19, and 26; and September 2.

4. Lybecks Twenty First Century Inc. DBA Shenanigans Casino, 3788 E Hwy 44, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Harbry Enterprise Inc. DBA Buck N Gator Lounge, 4095 Sturgis Rd.
5. MG Oil Company DBA Corner Pantry, 310 E. Fairmont Blvd. for a Package (off-sale) Malt Beverage License TRANSFER from Robert Steihl DBA Circle S Convenience Store, 310 E. Fairmont Blvd.

Public Works Committee Consent Items

7. Acknowledge the Report on Notification of Public Meeting for the E Saint Patrick Street and South Valley Dive Traffic Signal.
8. No. PW030910-03 – Approve Change Order No. 1 to Zenon Environmental Corporation for the Water Treatment Plant Upgrades – Jackson Springs Membrane Prepurchase, Project No. W07-1689 / CIP No. 50696, for a decrease of \$139,656.00.
9. No. PW030910-04 – Approve Change Order No. 4 to SECO Construction Inc. for the Milo Barber Transportation Center Improvements, Project No. GB08-1765, for an increase of \$5,830.00.
11. No. PW030910-06 – Authorize Staff to Advertise for Bids for the 2010 Water Reclamation Facility (WRF) Improvements, Project No. WRF10-1856 / CIP No. 50791. Estimated cost: \$2,600,000.00.
12. No. PW030910-07 – Authorize Staff to Advertise for Bids for Sweeper Broom Refills. Estimated cost: \$30,000.00.
13. No. PW030910-08 – Authorize Staff to Advertise for Bids for the East North Street Maintenance Project, Project No. ST10-1867 / CIP No. 50445. Estimated cost: \$100,000.00.
14. No. PW030910-10 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Burns & McDonnell Engineering Company, Inc. for Construction Phase Services for WRF Digester Control Building Improvements, Project No. WRF09-1783 / CIP No. 50581, in the amount of \$82,543.00. (Project funded through SRF Loan)
15. No. PW030910-11 – Authorize Mayor and Finance Officer to Sign a Joint Funding Agreement between U.S. Dept of the Interior, U.S. Geological Survey and City of Rapid City for 2010 Water Resources Investigation to include the operation and maintenance of selected gaging stations and for various hydrologic investigations.
16. No. PW030910-13 – Authorize Mayor and Finance Officer to Sign Agreement No. RC 2010-1 between Pennington County and City of Rapid City to reassign jurisdiction and responsibility for certain portions of county roads known as Haines Avenue, 143rd Avenue, Dyess Avenue and Elk Vale Road.
17. No. PW030910-14 – Authorize Mayor and Finance Officer to Sign an Agreement with Steve Becher for the right to harvest alfalfa from a certain property owned by the City of Rapid City in the amount of \$11,202.00.
18. No. PW030910-15 – Authorize Mayor and Finance Officer to Sign the Spring Creek Watershed Management Intergovernmental Agreement between Pennington County and the City of Rapid City. Cost not to exceed \$30,000.00.

19. No. 10TP007 – Approve the draft report for Mount Rushmore Corridor Development Plan and authorize staff to explore the options for a contract for the design guidelines.

Legal & Finance Committee Consent Items

20. No. LF031010-02 – Confirm appointment of Laura A. Patterson to fill the vacated term (Maria McCarthy Anderson) on the Library Board.
21. No. LF031010-03 – Acknowledge Capital Improvements Program Committee Monthly Update for February 2010.
22. Approve the carry forward of the following CIP funds from 2009 to 2010: \$580,690.00 for Fire Station – New (East Area); \$1,346,674.82 for Fire Station – Station 7 (Seeger Street); \$49,720.75 for Fire Station 4 Replace Siding; \$19,818.75 for Fire Station 5 Replace Siding.
23. No. LF031010-04 – Recommend approval of the revisions as per the Finance CIP spreadsheet with change in 2014 to return Streets, Drainage and MIP and Parks to 4% growth in year 5.
24. Acknowledge continuing 2012-Phase 4 discussion.
25. Request the Mayor to reappointment the Parking Task Force.
26. No. LF031010-23 - Acknowledge Human Relations Commission update.
27. No. LF031010-22 – Authorize Mayor and Finance Officer to sign the annexation petition for the Jackson Springs property.
28. No. 10TP010 – Authorize Mayor and Finance Officer to sign a no cost, time extension with Kadmas Lee & Jackson to December 31, 2010 for the Mount Rushmore Road Central Corridor Analysis.
29. No. 10TP011 – Authorize Mayor and Finance Officer to sign the no cost, time extension Amendment to Agreement 810918 for the Rapid City Area Metropolitan Planning Organization 2009 Unified Planning Work Program.
30. No. 10TP012 – Authorize Mayor and Finance Officer to sign the 2010 Agreement between City of Rapid City and Meade County for Accomplishing the Rapid City Area Transportation Planning Process.
31. Acknowledge the following volunteers for workmen’s compensation purposes: Taryn Stickney, Marion Carter, Taylor Arrington, Pat Meyers.
32. No. LF031010-08 – Authorize Mayor and Finance Officer to sign the Electrical Cooperative Revenue Agreement with West River Electric and Black Hills Cooperative Electric.
33. No. LF031010-09 – Authorize Mayor and Finance Officer to sign Portfolio Management Agreement with Boyd Watterson Asset Management, LLC.
34. No. LF031010-10 – Award contract with Ketel Thorstenson LLP to perform audit of the financial statements of the City of Rapid City for calendar year 2010 with the option to renew for calendar years 2011 and 2012.
35. No. LF031010-11 – Approve Resolution Declaring Property Surplus.

Resolution # - 2010-027
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:

Human Resources
HP LaserJet P1006; Serial #VND3R16818; Product #CB411A

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 15th day of March, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 36. No. LF031010-12 – Approve the 2010 Contract with Black Hills Workshop for Parks Restroom and Shelter Custodial Services in the amount of \$79,303, and authorize Mayor and Finance Officer to sign the contract.
- 37. No. LF031010-14 – Authorize Mayor and Finance Officer to sign Memorandum of Understanding between the City of Rapid City and the Downtown Rapid City Economic Development Corporation Regarding the Design Phase of Main Street Square.
- 38. No. LF031010-15 – Approve request from Neil Litzen, d/b/a Mr. Frost 2 for 2010 ice cream vending license.
- 39. No. LF031010-16 – Approve request from Charles Wendt, d/b/a C. W. Enterprises for 2010 ice cream vending license.
- 40. No. LF031010-17 – Acknowledge raffle request from Rapid City Elks Lodge No. 1187.
- 41. No. LF031010-18 – Acknowledge raffle request from Rapid City Professional Firefighters.
- 42. No. LF031010-19 – Acknowledge raffle request from American Cancer Society.
- 43. No. LF031010-20 – Acknowledge raffle request from Black Hills Mountain Bike Association.
- 44. No. LF031010-21 – Approve property tax abatements as follows: Dakota Steel and Supply Company, 2008, \$95.68; Dakota Steel and Supply Company, 2009, \$91.04; Jobgen Family Holdings LLC, 2009, \$4,378.88; Stath Mantzeoros, 2008, \$54.14; and Stath Mantzeoros, 2009, \$331.52.

END OF CONSENT CALENDAR

Motion was made by Costello, second by LaCroix to (No. PW030910-02) Authorize staff to work with the appropriate entities to develop an RFI for the Google Fiber project. Kooiker wanted to acknowledge that he is abstaining due to his current employment. Motion carried with Kooiker abstaining.

Motion was made by Costello, second by LaCroix, to (No. PW030910-05) Authorize Staff to Advertise for Bids for the Yard Waste Site Improvement – West Boulevard North, Project No. SWO10-1785. Weifenbach asked about the site on Fairmont. Ellis explained that one of our project engineers estimated to improvements for the Fairmont site to be \$200,000 to \$300,000. He said we do not have the funds in the 2010 budget for that, and they are looking to add that project to the 2011 budget. Motion carried.

CONTINUED CONSENT ITEMS – Items 45 – 52

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

Continue the following items until April 5, 2010:

45. 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.
46. 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.
47. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillsvieview Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillsvieview Subdivision and the sought 293 feet of Lot 6 of Marshall Subdivision, located in the NE1/4 of the SE1/4 and in the SE1/4 of the NE1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the north side of East S.D. Highway 44 between Rockhill Road and Hillside Drive.
48. No. 09PL074 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Preliminary Plat** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less north 8.5 feet of Block 103, the west 50 feet less the north 8.5 of Block 102, the east 115 feet less the north 8.5 feet of Block 102 all in Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.
49. No. 09PL086 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located at 5703 and 5707 Pioneer Circle.

50. No. 10PL005 - A request by Renner & Associates for Randy Ruthford to consider an application for a **Preliminary Plat** for proposed Lots A and B of Lot 9 of Lot 3 of Block 3 of the NE1/4 of the NW1/4, legally described as Lot 9 and the north 25 feet of Lot 10 of the Lot 3 of Block 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2019 and 2021 Monte Vista Drive.

Continue the following items until April 19, 2010:

51. No. 09PL083 - A request by Fisk Land Surveying & Consulting Engineers for Stephen M. Gowan for a **Preliminary Plat** on Lots A and B of Mahoney Addition No. 2 and dedicated right-of-way, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet of Block 122 and the west half of Block 123 of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 134 Anamosa Street.
52. No. 10PL007 - A request by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Layout Plat** on Lots 1 thru 4 of Block 4 of Out lots 1 and 11 of Block 4 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 2 of Fifth Street Office Plaza, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and a portion of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot 1 of Block 3 of Black Hills Center, common to a point on the southerly boundary of Lot 18 of Block 4 of Eastridge Estates Subdivision, and the point of beginning; Thence first course: S89°51'59"E, along the southerly boundary of said Lot 18 of Block 4, a distance of 21.44 feet, to the southeasterly corner of said Lot 18 of Block 4, common to the southwesterly corner of Lot 19 of Block 4 of Eastridge Estates Subdivision; Thence second course: S89°36'10"E, along the southerly boundary of said Lot 19 of Block 4, a distance of 74.99 feet, to the southeasterly corner of said Lot 19 of Block 4, common to the southwesterly corner of Lot 20 of Block 4 of Eastridge Estates Subdivision; Thence third course: S89°40'39"E, along the southerly boundary of said Lot 20 of Block 4, a distance of 147.46 feet, to the southeasterly corner of said Lot 20 of Block 4, common to the southwesterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision; Thence fourth course: S89°40'11"E, along the southerly boundary of said Lot 21 of Block 4, a distance of 29.5 feet, to the southeasterly corner of said Lot 21 of Block 4, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza; Thence fifth course: S89°37'17"E, along the southerly boundary of said Lot 4 of Block 2, a distance of 367.85 feet, to the southeasterly corner of said Lot 4 of Block 2, common to the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza; Thence sixth course: S81°56'11"E, along the southerly boundary of said Lot 3 of Block 2, a distance of 205.60 feet, to the southeasterly corner of said Lot 3 of Block 2, common to the southwesterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza; Thence seventh course: S81°55'52"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 60.98 feet, to a corner on the southerly boundary of said Lot 2 of Block 2; Thence eighth course: S72°01'35"E, along the southerly boundary of said Lot 2 of Block 2, a distance of 161.84 feet, to the southeasterly corner of said Lot 2 of Block 2; Thence ninth course: N17°47'24"E, along the easterly boundary of said Lot 2 of Block 2, a distance of 29.78 feet, to a corner on the easterly boundary of said Lot 2 of Block 2, common to the southwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza; Thence tenth course: S73°48'28"E, along the southerly boundary of said Lot 1 of Block 2, a distance of 459.73 feet, to the southeasterly corner of said Lot 1 of Block 2; Thence eleventh course: N38°50'34"E, along the easterly boundary of said Lot 1 of Block 2, a distance of 222.04 feet, to the northeasterly corner of said Lot 1 of Block 2, common to a point on the westerly edge of Fifth Street right-of-way; Thence twelfth course: S62°29'05"E, along the westerly edge of said Fifth Street right-of-way, a distance of 134.83 feet; Thence thirteenth course: curving to the right, along the westerly

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

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 53 – 80

Motion was made by Costello, second by LaCroix and carried to open the public comment for Items 53 – 80.

Russ Jobman, Chairman of CVB Board, spoke in favor of establishing the BID and said the Board feels the area on Main Street is an excellent area for it. Charles Ray said the tax is unfair as a significant number of property owners do not believe they will benefit. He said this is not the time to add another tax on a select few who are already overtaxed. Don Perdue said he is behind the BID but said the plaza is a localized interest. Mary Renka spoke against the BID and said it is an unfair tax. Dan Sentfner said this is a vision for the future and a starting point. He said they have the zones for a reason and they are working closely with other groups as well.

Dan Schuver, Daktronics, urged the Council to not pass Item 63 (No. LF031010-24) and suggested working with Daktronics legal department to get a proper code in place. Jim Jackson said if the moratorium is done at this time of year it will hurt people economically. He volunteered for the committee to help come up with a solution. Brendan Casey spoke of the sign code history and said they are going

to run into constitutional issues this time. He indicated that they are not in favor of the moratorium or playing with the sign code.

Sid Hansen reviewed the events related to the order for the sidewalks on the north side of East Saint Patrick Street, and he asked for a withdrawal of the order to install the sidewalks.

Terry Olson said that Lamar is against the moratorium, and said that if the resolution is passed he encouraged the Council to expedite the process. He said they are available for the committee as well.

Julie Mueller stated her opposition to the BID. Clancy Kingsbury said he is in favor of the BID and felt the majority of downtown is in favor as well. Steve Rollinger pointed out that membership for the Downtown Association has tripled since this process started. Dan Tribby said good things have started to happen downtown and he asked Council to keep this going. Eirik Heikes indicated his support for the BID as well.

Motion was made by Costello, second by LaCroix and carried to close the public comment for Items 53 – 80.

Ordinances

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** of 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. Motion was made by Weifenbach, second by Costello and carried that Ordinance 5592 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

Ordinance 5593 (No. 10RZ012) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** of a portion of Tract D located in the NE1/4 NW1/4, the 150 foot wide Lancer Drive right-of-way and the 75 foot wide S.D. Highway 44 right-of-way located adjacent to Lancer Drive, all located in the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2000 Lancer Drive. Motion was made by Weifenbach, second by Costello and carried that Ordinance 5593 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

Ordinance 5594 (No. 10RZ013) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** of Lot 1E of the NE1/4 NW1/4, the south portion of the Lot E of the NE1/4 NW1/4 lying south of access highway less right-of-way, and the 75 foot wide S.D. Highway 44 right-of-way located adjacent to the south portion of the Lot E of the NE1/4 NW1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3150 E. Highway 44. Motion was made by Weifenbach, second by Costello and carried that Ordinance 5594 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

Ordinance 5595 (No. 10RZ014) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Jim Letner for a **Rezoning from General Commercial District to Light Industrial District** of a portion of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northeasterly corner of Lot B of Lot 3 of Tract D of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way

of Creek Drive, and the Point of Beginning: Thence, first course: S00°06'11"W, along the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the westerly edge of the right-of-way of said Creek Drive, a distance of 265.72 feet, to a point on the easterly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the westerly edge of the right-of-way of said Creek Drive; Thence, second course: N89°52'00"W, a distance of 581.46 feet, to a point on the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5; Thence, third course: N00°01'08"W, along the westerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the easterly boundary of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, a distance of 265.72 feet, to the northwesterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the northeasterly corner of said Lot A of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, and common to a point on the southerly edge of the right-of-way of said East St. Charles Street; Thence, fourth course: S89°52'01"E, along the northerly boundary of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to the southerly edge of the right-of-way of said East St. Charles Street, a distance of 582.03 feet, to the northeasterly corner of said Lot B of Lot 3 of Tract D of the SW¼ of the SW¼ of Section 5, common to a point on the southerly edge of the dedicated right-of-way of East St. Charles Street, and common to a point on the westerly edge of the dedicated right-of-way of Creek Drive, and the Point of Beginning, located south of E. St. Charles Street and west of Creek Drive. Motion was made by Weifenbach, second by Costello and carried that Ordinance 5595 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

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** of Lot 17 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2803 Cactus Drive. Motion was made by Weifenbach, second by Costello and carried that Ordinance 5596 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

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** of Lot 30 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2706 Cactus Drive. Motion was made by Weifenbach, second by LaCroix and carried that Ordinance 5597 be placed upon its first reading, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

Ordinance 5591 (No. LF031010-13) An Ordinance Establishing the Downtown Business Improvement District by Adding Chapter 3.25 to the Rapid City Municipal Code. Motion was made by Weifenbach, second by LaCroix, that Ordinance 5591 be placed upon its first reading. Responding to Martinson, Green advised against including a severability clause in the ordinance, but he said from a legal standpoint it can be done. Kooiker asked Dan Tribby his thoughts on the severability clause. Tribby agreed with Green and added that there is a provision that the Board can shut it down if it is not working. Responding to Kooiker, Green indicated that passage of the ordinance is a legislative action subject to referral. Motion carried, and the title was fully and distinctly read and second reading set for Monday, April 5, 2010.

Ordinance 5586 (No. LF022410-05) An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code having passed its first reading March 1, 2010; motion was made by Weifenbach, second by LaCroix, that the title be read the second time. Responding to Kooiker, Preston displayed and explained the updated map. Kooiker indicated it is appropriate to put a plug in for the concept for a

redistricting commission to ensure ward and precinct lines are adequately drawn to fit the new census. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5586 was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Weifenbach, second by Waugh and carried to approve (No. 10PL006) A request by Renner & Associates for Robert Akers for a **Preliminary Plat** on Lots 1R and 2R of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of North LaCrosse Street between East Mall Drive and East Disk Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the common access easements shall be submitted for review and approval. In particular, the road construction plans shall show the streets located in a minimum 59 foot wide easement and constructed with a sidewalk along both sides of the easement, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 2. Prior to Preliminary Plat approval by the City Council, road construction plans for Disk Drive shall be submitted for review and approval. In particular, the road construction plans shall show the installation of a sewer main to the eastern terminus of the street and a sidewalk along the north side of the street or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow access to Lot 2R from Mall Drive, the higher traveled street, or the plat document shall be revised to show a non-access easement along all of Lot 2R as it abuts Mall Drive; 4. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow the approach to Lot 1R to be located 452.43 feet from the intersection of Mall Drive and LaCrosse Street in lieu of 460 feet as per the Street Design Criteria Manual or the plat document shall be revised to comply with the requirement; 5. Prior to Preliminary Plat approval by the City Council, a grading plan, including cut and fill quantities, shall be submitted for review and approval if subdivision improvements are required; 6. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction; 7. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed 12.5 foot wide utility easement along the east lot line of proposed Lot 2R as a minimum 20 foot wide utility easement; 9. Prior to submittal of a Final Plat application, the applicant shall demonstrate that the existing gravity sewer main located along the west lot line of proposed Lot 1R is within the existing utility easement or the plat document shall be revised to dedicate an additional utility easement as needed; 10. Prior to submittal of a Final Plat application, the plat title shall be revised to read "Formerly Lots 1 and 2 of Block 1" in lieu of "Formerly the balance of Lots 1 and 2 of Block 1"; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show the book and page of the previously vacated March Avenue right-of-way; 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 14. The approved 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.

Legal & Finance Committee Items

Motion was made by Weifenbach, second by Waugh, to (No. LF031010-01) Authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and DTH, LLC to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Rainbow Ridge Subdivision. Responding to Kooiker, Green explained that the resolution regarding this developer was to not accept new surety from them. This is to replace exiting surety but adds an agreement that we do not have today. He said the Council could decide not to accept or consider it a continuation of the previous surety that was accepted prior to that resolution being in place. This would allow us to replace surety that will expire soon. If we enter into this agreement, we will have surety for installation of sidewalks, and at the time the lots are developed, the builders would put in the sidewalks. If we do not pass this, we will incur the obligation at the time the surety nears expiration. Once we draw on the letter of credit, we will have the obligation to install sidewalks. It was indicated the extension is for two years from today. Responding to Kooiker, Dominicak confirmed it would be acceptable to continue this item since the surety does not expire until June.

Substitute motion was made by Kooiker, second by Costello and carried to continue the item to the March 30, 2010 Public Works meeting.

Motion was made by Costello, second by Waugh, to approve a (No. LF031010-24) Resolution Establishing a Moratorium on the Acceptance of Applications for and the Issuance of Certain Sign Permits. Responding to Kooiker, Mayor Hanks explained that there have been applications for replacing static boards with digital billboards, and the current sign code does not require sign credits when you do that. He said if we allow conversion to electronic billboards it is appropriate to have a requirement to spend sign credits. The intent of the sign code was to eliminate some of the billboards. Kooiker said we need to review more than just the electronic provision of the code. He supports the resolution if the task force has a broader mandate to review the entire code, and Mayor Hanks responded that he would be in support of that. Green pointed out that the Council needs to amend the resolution to change the date to March 15, 2010. Costello and Waugh agreed that this change is part of the motion. Weifenbach suggested breaking it down into pieces of off-premise signs and billboards to allow for an expedited process. He suggested doing this in less than 30 days. LaCroix supported the resolution if the time frame is amended to 90 days.

Amendment motion was made by LaCroix, second by Kooiker, to amend to 90 days instead of 120 days. It was indicated the intent is to amend both references to 120 days in the resolution.

Substitute amendment motion was made by Weifenbach to change to 30 days and break into two pieces for off and on premise billboards. Motion died for lack of a second.

Upon vote being taken, the amendment motion to change to 90 days carried.

Upon vote being taken, the original motion as amended carried.

RESOLUTION #2010-029

A RESOLUTION ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR AND THE ISSUANCE OF CERTAIN SIGN PERMITS

WHEREAS the City of Rapid City has adopted regulations pertaining to the construction of signage throughout the City of Rapid City; and

WHEREAS the City of Rapid City has received numerous complaints regarding the proliferation of billboards and electronic signs in the City of Rapid City; and

WHEREAS the Rapid City Common Council finds it would be in the best interest of the City of Rapid City to review and update the regulations pertaining to signage in the City of Rapid City; and

WHEREAS the City of Rapid City finds the proliferation of signage and in particular electronic signage to be a threat to the City's immediate health, safety, and welfare;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that there is hereby established a moratorium on the receipt of applications for and the issuance of off-premise sign permits. This moratorium shall be effective for ninety (90) days from the date this resolution is approved, or until the passage and effective date of an ordinance addressing off-premise signs, or until such time as the Council agrees to lift this moratorium, whichever is shorter.

BE IT FURTHER RESOLVED by the City of Rapid City that there is hereby established a moratorium on the receipt of applications for and the issuance of on-premise sign permits for electronic signs. This moratorium shall be effective for ninety (90) days from the date this resolution is approved, or until the passage and effective date of an ordinance addressing on-premise electronic signs, or until such time as the Council agrees to lift this moratorium, whichever is shorter.

BE IT FURTHER RESOLVED by the City of Rapid City that this resolution is necessary for the immediate preservation of the public peace, health, safety, and support of the municipal government and its existing public institutions, and this resolution takes effect from and after the 15th day of March, 2010.

Dated this 15th day of March, 2010.

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

ATTEST:
s/ James F. Preston
Finance Officer

(SEAL)

Motion was made by Weifenbach, second by LaCroix and carried to (No. LF031010-05) Recommend option C for additional access for the Star of the West Complex.

Motion was made by Weifenbach, second by Waugh, to (No. LF031010-06) Direct City Attorney's office to negotiate with Kenneth L. Kirkeby for Real Estate Listing Services Agreement for Wally Byam Property. Alderman Kroeger wanted to acknowledge that he is abstaining from this item due to his employment. Motion carried with Kroeger abstaining.

Motion was made by Weifenbach, second by LaCroix and carried to (No. LF031010-07) Approve Special Event Permit for Kirk Funeral Home for free downtown parking (movie day) from 9:00 a.m. to 1:00 p.m. on Friday, July 9, 2010; Friday, December 3, 2010; and Friday, December 10, 2010.

Motion was made by Weifenbach, second by Waugh and carried to (No. 10TP013) Authorize Mayor and Finance Officer to sign the application documents and the letter of support for the Safe Routes to School Grant for Meadowbrook Elementary School in the amount of \$175,000.

Public Works Committee Items

Motion was made by Costello, second by Waugh and carried to approve (No. 10VE003) a request by Sperlich Consulting, Inc. for J. Scull Construction for a **Vacation of Private Access and Public Utility Easement** on Lots 1A, 2A of Block 1 and Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Catron Boulevard between Sheridan Lake Road and Bendt Drive with the following stipulations: 1. Prior to City Council approval, the applicant shall submit a revised

Access Easement document to the Growth Management Department that shows a 26 foot wide access easement adjacent to the proposed 90 degree parking stalls as per Section 17.50.270.F.2 of the Rapid City Municipal Code; and, 2. Prior to Planning Commission approval, the applicant shall submit a revised response from Knology to the Growth Management Department indicating that an easement has been retained for facilities located in the area of the proposed vacation, or that there are no conflicts with the proposed vacation.

RESOLUTION #2010-036
RESOLUTION OF VACATION OF ACCESS AND UTILITY EASEMENT

WHEREAS it appears that a portion of a public utility and private access easement on Lots 1A, 1B and Lot 2 of Block 1 and Lot 7 of Block 2 of Stoney Creek South Subdivision, located in the NW1/4 of the SW1/4, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at south of Catron Boulevard between Sheridan Lake Road and Bendt Drive, is no longer needed; and

WHEREAS the owner(s) of the above-described property desire that said portion of the public utility and private access easement be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the portion of the public utility and private access easement heretofore described, as shown on Exhibit "A", attached hereto and incorporated herein, is not needed and is hereby vacated.

Dated this 15th day of March, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Costello, second by LaCroix and carried to approve (No. 10FV001) a request by Wyss Associates for ATTA for a **Fence Height Exception to allow a six foot fence in the front, side and rear yard set backs** on Lots 1 thru 16 and the west half of the vacated Second Street abutting Lot 1 and the east half of that portion of the vacated Third Street abutting Lot 16 and the north half of the vacated alley, The north half of the Lots 17 thru 20 and the half of the alley abutting said Lots 17 thru 20, The south half of Lots 17 thru 20 and the north half of the vacated Denver Street adjacent to said Lots 17 thru 20, Lots 21 thru 22, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots 21 thru 22, Lots 23 thru 24, the south half of the vacated alley and the north half of the vacated Denver Street adjacent to said Lots 23 thru 24, Lots 25 thru 32, the west half of the vacated Second Street adjacent to said Lot 32, the south half of the vacated alley and the north half of vacated Denver Street adjacent to said Lots 25 thru 32, all of Block 8 of the Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of North Street between North Third Street and North Second Street with the following stipulations: 1. The fence(s) shall be constructed in conformance with the architectural plans and elevations and color palette submitted as part of this Fence Height Exception. 2. Prior to the approval of the SDCL 11-6-19 application and prior to the construction of the fence, a drainage plan shall be submitted for review and approval.

Motion was made by Kroeger, second by Waugh, to acknowledge the report on options for a neighborhood meeting on the Development at Catron Boulevard and 5th Street. Dominicak reported that a meeting is scheduled for April 6, 2010 at 5:00 PM on site. Responding to Kooiker, he indicated there is

not a rain location set. Kooiker suggested having a plan and Mayor Hanks suggested contacting Grandview. Motion carried.

Motion was made by Costello, second by Waugh, to (No. PW030910-09) Authorize Staff to Advertise for Bids for East St. Patrick Street Sidewalks, Project No. MIP09-1805 / CIP No. 50298. Kroeger said he has been opposed since the beginning, and he asked Hanson when he will develop the property. Hanson said one route is to develop in conjunction with SDSMT so it is taking time. Secondly, they could develop privately so he said there is no definitive time. He could not confirm they have a deal with SDSMT. Kooiker agreed that process is important which is why he was in support of an extension to bring forward plans. He said this area is hard to travel as a pedestrian, in a wheel chair, or on a bike, and ADA requires that a plan is in place, so he is in favor of the motion. Motion carried.

Motion was made by Costello, second by Waugh, to (No. PW030910-16) Acknowledge the Report on Bidding and Bid Prices for Annual Maintenance Materials. Responding to Costello, Ellis explained that they followed state statute for the Limestone Gravel and Ready Mix Concrete bid notifications. He said they also went above and beyond by sending email notifications. Motion carried.

Bids

The following companies submitted bids for (No. CC030110-02.9) Landfill Leachate Removal and Remediation, Project No. LF07-1681 opened February 23, 2010: Lind Exco Inc., SCS Field Services, Olander Contracting Co., Veit and Company Inc., Quinn Construction Inc. and Belfor Environmental. Staff reviewed the bids and recommends bid award to Belfor Environmental. Motion was made by Weifenbach, second by Waugh and carried to award the bid to the lowest responsible bidder, Belfor Environmental, in the amount of \$230,108.30.

The following companies submitted bids for (No. CC031510-02.1) Saint Andrew Street Reconstruction Lincoln Avenue to Elm Avenue – Project No. ST10-1803 / CIP No. 50714 opened March 9, 2010: RCS Construction, Hills Materials Company, Simon Contractors of SD Inc., and Quinn Construction. Staff reviewed the bids and recommends bid award to Simon Contractors of SD Inc. Motion was made by Costello, second by LaCroix and carried to approve the bid award to the lowest responsible bidder, Simon Contractors of SD Inc., in the amount of \$836,623.92.

The following companies submitted bids for (No. CC031510-02.2) Street Rehabilitation Project Arrow Street, Farlow Avenue and Culvert Street – Project No. ST10-1854 / CIP No. 50549 opened March 9, 2010: Tru Form Construction, J&J Asphalt Company, Hills Materials Company and Simon Contractors of SD Inc. Staff reviewed the bids and recommends bid award to J&J Asphalt Company. Motion was made by Weifenbach, second by Kroger and carried to award the bid to the lowest responsible bidder, J&J Asphalt Company, in the amount of \$292,829.47.

The following companies submitted bids for (No. CC031510-02.3) Landfill Gas Collection System – Project No. LF09-1795 opened March 9, 2010: Landmarc Environmental Systems, Quinn Construction Inc., Lind Exco Inc., Veit and Company Inc., SCS Field Services, Belfor Environmental, Shaw Environmental Inc., American Environmental Group, Griffin Dewatering, North Central LLC, and Eaton Construction. Staff reviewed the bids and recommends bid award to Quinn Construction. Motion was made by Costello, second by Waugh and carried to approve the bid award to the lowest responsible bidder, Quinn Construction, for schedules one and two in the amount of \$994,495.00.

The following companies submitted bids for (No. CC031510-02.4) Bus Shelter Renovation opened March 9, 2010: Century Glass Company, Sims Glass, Rapid City Window and Glass, and Hagen Glass, Window and Siding. Staff reviewed the bids and recommends bid award to Sims Glass. Motion was made by Weifenbach, second by Costello and carried to approve the bid award to the lowest responsible bidder, Sims Glass, in the amount of \$58,000.00.

The following companies submitted bids for (No. CC031510-02.5) One (1) New Current Model Year Vacuum Street Sweeper for Street Division opened March 9, 2010: Sanitation Products Inc. and Sheehan Mack Sales and Equipment. Staff reviewed the bids and recommends bid award to Sheehan Mack Sales and Equipment. Motion was made by Costello, second by LaCroix and carried to approve the bid award to the lowest responsible bidder, Sheehan Mack Sales and Equipment, in the amount of \$209,450.00.

Council Items & Liaison Reports

Regarding the request for an update on sales tax revenue, Mayor Hanks said we are down about 3.95% which was about \$56,000 of general funds for the month. He said BBB tax is still up and ahead of last year. He said comparing January 2009 to January 2008 is almost identical. Kooiker asked about 2012 revenue projections. Mayor Hanks indicated that the Council will need to decide if they want to pay as you go or do a five or seven year bond and also what they want to use for revenue projections. He said he and the Finance Officer will be suggesting that the Council is conservative for revenue projections in the future. It was indicated that we have not had to spend undesignated cash from reserves. Mayor Hanks said the Finance Officer will have a report available in a couple of weeks, and Weifenbach requested an overview of 2012 funds as well. Motion was made by Weifenbach, second by Kooiker and carried to add a report on undesignated cash and overview of 2012 cash balance spreadsheet to the March 31, 2010 Legal and Finance agenda. Motion carried.

Kooiker addressed the 2011 budget meetings and asked if we could look at having meetings prior to July and/or as early in July as possible. Mayor Hanks confirmed most Departments turned in their budgets, and he directed them to expect no growth or a worst case of a 2 to 3% reduction in all budgets. LaCroix agreed that July would be a good time for discussion. Mayor Hanks said his goal is to make the budget presentation at the June 1 and 2, 2010 committee meetings. Motion was made by Weifenbach, second by Costello and carried to acknowledge the report.

PUBLIC HEARING ITEMS – Items 81 – 94

Motion was made by Waugh, second by LaCroix and carried to open the public comment for Items 81 – 94.

Fiona Harrison described the Rockinon Ranch subdivision and explained that there are already governor's homes in the area.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 81 – 86

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

Continue the following items until April 5, 2010:

81. No. 09SV025 - A request by Fisk Land Surveying & Consulting Engineers for Ehli Family Trust for a **Variance to the Subdivision Regulations to waive the requirement to allow a one foot public access and utility easement in lieu of a one foot right-of-way dedication and to reduce the pavement width from 27 feet to 24 feet as per Chapter 16.16 of the Rapid City Municipal Code** on Lots C, D and E of Mahoney Addition No. 2, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the east 90 feet less the north 8½ feet of Block 103, the west 50 feet less the north 8½ feet of Block 102, the east 115 feet less the north 8½ feet of Block 102 all in Mahoney Addition No. 2, located in the SE¼ of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 125, 131 and 133 MacArthur.

82. No. 09SV028 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle, to reduce the width of the private access and utility easement from 49 feet to a verifying width of 46.9 feet to five feet, to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the private access and utility easement, to reduce the width of the access easement from 49 feet to a verifying width of 40 feet to 20 feet and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along the access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1, 2 and 3 of Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lots 5R and 6R of Block 1 of Spring Canyon Estates, Section 6, T1S, R7E, BHM, Pennington County, South Dakota, located 5703 and 5707 Pioneer Circle.
83. No. 10RZ008 - A request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the east 88 feet of Lot D of the NE1/4 NW1/4 less Lot H1 and Lot 6 of Wood Subdivision, located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to the west side of Elk Vale Road and north of School Drive.
84. No. 10SV003 - A request by Renner & Associates for Randy Ruthford to consider an application for a **Variance to the Subdivision Regulations to reduce the right-of-way width from 52 feet to 24 feet and to reduce the pavement width from 27 feet to 18 feet as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lots A and B of Lot 9 of Lot 3 of Block 3 of the NE1/4 of the NW1/4, legally described as Lot 9 and the north 25 feet of Lot 10 of the Lot 3 of Block 3 of the NE1/4 of the NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2019 and 2021 Monte Vista Drive.
85. No. 10VR001 - A request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on The St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Costello, second by LaCroix and carried to close the public hearing from Items 81 – 94.

NON-CONSENT PUBLIC HEARING ITEMS – Items 87 – 94

The Mayor presented an (No. 10PD002) **Appeal of Planning Commission's decision** on a request by Britton Engineering and Land Surveying for Land and Marine Development, Inc., to consider an application for a **Major Amendment to a Planned Residential Development** for Lot 16 of Rockinon on Ranch Estates, located in the N1/2 NE1/4 SE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, More generally described as being located at the southwest corner of the intersection of Bunker Drive and Springsteen Lane. Dominicak explained that staff recommended approval but Planning Commission recommended denial. Motion was made by Weifenbach, second by Waugh, to approve the appeal. LaCroix indicated he talked with landowners in the area and said that part of the denial recommendation was due to the way the home is laid out on the lot. He said no one was opposed to a governor's home in the area.

Substitute motion was made by LaCroix to uphold the denial. Motion died for lack of a second.

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

Ordinance 5587 (No. 10RZ007) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Lots 6 and 7 less Lot H1 of Block 2 of Johnson School Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located adjacent to Elk Vale Road between School Drive and Lancer Drive having passed its first reading on March 1, 2010; motion was made by Weifenbach, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5587 was declared duly passed upon its second reading.

Ordinance 5589 (No. 10RZ009) 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 Lot 1 of Well Addition less Lot H1 and less dedicated right-of-way, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3030 Orchard Lane having passed its first reading on March 1, 2010; motion was made by Weifenbach, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5589 was declared duly passed upon its second reading.

Ordinance 5590 (No. 10RZ010) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Mobile Home Residential District** on Lots 21 thru 23 of Melody Acres No. 2, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2811 Cactus Drive having passed its first reading on March 1, 2010; motion was made by Weifenbach, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Waugh, Martinson, Kooiker, Costello, LaCroix, Weifenbach, and Kroeger; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5590 was declared duly passed upon its second reading.

The Mayor presented (No. 10SE001) - A request by City of Rapid City for Mark Olson and Leonard Novak for the Black Hills Farmers Market for a **Special Exception to the Flood Area Construction Regulations** on Tract 17 less Lot H1 (also in Section 34, T2N, R7E) of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1520 West Omaha. Motion was made by Weifenbach, second by Costello and carried to approve the request with the following stipulations: 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and, 2. That the structures for the event be removed that evening after the event has ceased.

The Mayor presented (No. 10SE002) A request by City of Rapid City for a **Special Exception to the Flood Area Construction Regulations** on Tract 17 less Lot H1 (Also in Section 34, T2N, R7E), of the Rapid City Greenway Tract, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1520 West Omaha Street. Motion was made by Weifenbach, second by Waugh and carried to approve the request with the following stipulations: 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor, Emergency Management Director or the Public Works Director; and, 2. That the structures for the event be removed that evening after the event has ceased.

Motion was made by Weifenbach, second by Waugh, and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sewer along Disk

Drive as they abut Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of North LaCrosse Street between East Mall Drive and East Disk Drive. (10SV004)

The Mayor presented (No. 10SV004) A request by Renner & Associates for Robert Akers for a **Variance to the Subdivision Regulations to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements, to reduce the width of the access easements from 59 feet to 35 feet and to waive the requirement to install sewer along a portion of Disk Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1R and 2R of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Block 1 of East Mall Business Center Subdivision, located in the W1/2 of the NE1/4 and the E1/2 of the NW1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of North LaCrosse Street between East Mall Drive and East Disk Drive. Motion was made by Weifenbach, second by Waugh and carried to waive the requirement to install water, sewer, sidewalk and street light conduit along the access easements and to reduce the width of the access easements from 59 feet to 35 feet be approved with the following stipulation: 1. That a sidewalk be provided along one side of the access easement(s); and, That the Variance to the Subdivision Regulations to waive the requirement to install sewer along the eastern portion of Disk Drive be approved with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

BILLS

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

Payroll Paid Ending 02-27-10, Paid 03-05-10	905,248.49
Payroll Paid Ending 02-27-10, Paid 03-05-10	3,044.00
Pioneer Bank, Taxes Paid 03-05-10	206,299.16
Pioneer Bank, Taxes Paid 03-05-10	214.21
South Dakota Retirement System, Paid 03-04-10	359,569.04
South Dakota Retirement System, Paid 03-04-10	365.28
Berkley Risk Administrators, Paid 03-01-10	40,326.67
US Bank, Paid 03-03-10	13,359.17
SD Retirement Special Pay Plan, Paid 03-05-10	90.00
Berkley Risk Administrators, Paid 03-05-10	13,576.08
First Administrators, claims paid 03-03-10	111,085.30
First Administrators, claims paid 03-10-10	77,693.36
Black Hills Electric Cooperative, Paid 03-10-10	697.48
Black Hills Electric Cooperative, Paid 03-11-10	1.82
Black Hills Power and Light, Paid 03-10-10	7,504.39
West River Electric Association, Paid 03-10-10	35,217.02
Montana Dakota Utilities, Paid 03-08-10	9.80
Computer Bill List	<u>4,382,445.99</u>
Subtotal	\$6,156,747.26
Payroll Paid Ending 02-27-10, Paid 03-05-10	2,852.53
Pioneer Bank, Taxes Paid 03-05-10	218.21
South Dakota Retirement System, Paid 03-04-10	322.74
City of Rapid City – Postage	168.54

CITY COUNCIL

MARCH 15, 2010

City – Health Insurance Trust	1,010.00
Ikon Financial Services	8.86
Johnson Machine	42.01
Metropolitan Life Insurance	6.42
Wright Express	<u>155.36</u>
 Total	 \$6,161,531.93

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 9:10 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 10:09 P.M. with all members present.

STAFF DIRECTION

Motion was made by LaCroix, second by Costello and carried to direct the City Attorney to reaffirm the City's last best offer to the IAFF and reject their counter offer.

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 10:10 P.M.

ATTEST:

CITY OF RAPID CITY

Mayor

Finance Office
(SEAL)