

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 17, 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, May 17, 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, 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: Lloyd LaCroix.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, City Engineer Dale Tech, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Assistant Fire Chief Tim Behlings, Community Resource Director Kevin Thom, Assistant Director Growth Management Bob Dominicak, and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Set for Hearing on June, 7, 2010 a request from Black Hills Home Builders Association for a Special Event Malt Beverage License for an event scheduled June 17, 2010 at Prairie Edge Trading Co., 606 Main Street
- Set for Hearing on June 7, 2010 a request from Rapid City Regional Hospital Foundation for a Special Event Wine License for an event scheduled June 19, 2010 at The Golf Club at Red Rock, 6520 Birkdale Drive
- 2012 Update, Alderman Chapman
- Status of South Valley Drive Planned Development Refunds, Alderman Kooiker

Motion was made by Chapman, seconded and carried to adopt the agenda as amended.

APPROVE MINUTES

Motion was made by Hadcock, second by Chapman and carried to approve the minutes for May 3, 2010.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for March 2010 to Ralph L. Hadley and for May 2010 to Robert Cannizzaro and recognized their efforts and dedication to the service of their 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: Matt Culbertson, Fire Department, 20 years; Jerry Reichert, Fire Department, 20 years; Galen Huebner, Fire Department, 34 years; Tom Senesac, Police Department, 25 years; and Steve Allender, Police Department, 25 years.

Mayor Hanks presented an Executive Proclamation to the Rapid City Rush declaring May 11, 2010 as Rapid City Rush Day.

GENERAL PUBLIC COMMENT

Brendan Casey, Epic Outdoor Advertising, briefly spoke of his company, the sign committee and the moratorium. He suggested that the City of Rapid City is another billboard company, and he asked if it is legal, right and ethical for the City to regulate sign companies and then compete. He said he will be asking that question individually as well as if the City should divest from any advertising.

NON-PUBLIC HEARING ITEMS -- Items 3 – 187

Motion was made by Weifenbach, second by Waugh and carried to open the public comment for Items 3 – 163. No comments were offered.

Motion was made by Costello, second by Olson to close the public comment for Items 3 – 163.

CONSENT ITEMS – Items 3 – 154

The following items were removed from the Consent Items:

126. No. PW051110-10 – Authorize Staff to Advertise for Bids for 2010 Miscellaneous Improvements Project, Project No. MIP10-1857 / CIP No. 50298. Estimated Cost: \$84,000.00.
140. Acknowledge the report and presentation of South Dakota Engineering Society Project of the Year Award to the City of Rapid City and Cetec Engineering for “Well 12 and Stoney Creek Booster Station, Project No. W03-953 / CIP 50318”.
151. Acknowledge Project of the Year Award to the City of Rapid City and Cetec Engineering for “Well 12 and Stoney Creek Booster Station, Project No. W03-953 / CIP 50318” presentation by Jody Page of South Dakota Engineering Society.

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

Alcoholic Beverage License Applications Set for Hearing (June 7, 2010)

3. Rushmore German Club for a Special Event Beer License for an event scheduled August, 20 through 28, 2010 at the Central States Fairgrounds, 800 San Francisco
4. United Food Inc. DBA Toby’s Casino, 714 Cleveland Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Thomas J O’Meara DBA Toby’s Casino, 710 Cleveland Street

2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals WITH Video Lottery

5. MG Oil Company DBA Warehouse Bar & Casino, 200 E Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
6. MG Oil Company DBA East North Casino #2, 230 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
7. MG Oil Company DBA East St. Patrick Casino, 1226 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
8. MG Oil Company DBA Haines Ave. Casino, 1735 Haines Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

9. MG Oil Company DBA Market Square Casino, 1624 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
10. MG Oil Company DBA LaCrosse Street Casino #1, 720 N LaCrosse St. Ste. A, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
11. MG Oil Company DBA LaCrosse Street Casino #2, 720 N LaCrosse St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
12. MG Oil Company DBA Rushmore Casino, 1808 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
13. MG Oil Company DBA Rushmore Casino Too, 1808 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
14. MG Oil Company DBA BP Casino, 609 Mt. View Ste. C-1, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
15. MG Oil Company DBA Uncle Sam's West, 2730 West Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
16. MG Oil Company DBA Uncle Sam's East, 1120 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
17. MG Oil Company DBA Uncle Sam's South, 2100 Jackson Blvd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
18. MG Oil Company DBA Happy Jack's East, 909 E St. Patrick St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
19. MG Oil Company DBA Happy Jack's Too, 909 St. Patrick St. #21, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
20. MG Oil Company DBA Happy Jack's Cambell, 1601 Cambell St. #3, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
21. MG Oil Company DBA Happy Jacks Valley, 747 Timmons Blvd. Ste. B, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
22. MG Oil Company DBA Happy Jacks I-90, 4036 Cheyenne Blvd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
23. MG Oil Company DBA Happy Jacks Downtown, 713 Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
24. MG Oil Company DBA Happy Jacks Omaha, 1109 W Omaha St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
25. MG Oil Company DBA Happy Jacks Rushmore, 2201 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
26. D&S Time Square Inc. DBA Breakroom Casino, 355 11th Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

27. Fox Family Enterprises Inc. DBA Rodeway Inn, 2208 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
28. Linda and Frank Morrison DBA Thirsty's, 819 Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
29. Dean'O's Casino Inc. DBA Dean'O's Casino, 903 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
30. Carolyn's Casinos Inc. DBA Carolyn's Too, 1141 Deadwood Ave. #2, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
31. Carolyn's Casinos Inc. DBA Carolyn's Too, 1141 Deadwood Ave. #2, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery – INACTIVE
32. Hungrys Restaurants Inc. DBA Marlins Roadhouse Grill, 2803 Deadwood Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
33. Bach Investment Inc. DBA Hideaway Casino, 1575 N LaCrosse St. Ste. D, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
34. Entertainment Inc. DBA Nu Robbinsdale Casino, 803 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
35. Bosselman Inc. of South Dakota DBA Bosselman Travel Center, 2783 Deadwood Ave., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
36. CCKT Inc. DBA King of Hearts Casino, 3030 W Main Street Ste. A, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
37. CCKT Inc. DBA Queen of Hearts Casino, 316 E Boulevard, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
38. Rapid City Elks Lodge #1187 DBA Elks Lodge, 3333 E 39th Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
39. Dave M and Linda K Handley DBA Hot Spot Casino, 420 E St. Patrick Street #107, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
40. WR Rapid City Ventures LP DBA Oakleaf Beer Garden, 2211 N LaCrosse St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
41. TADY LLC DBA Sports Buzz, 2010 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
42. United Food Inc. DBA Toby's Casino South, 710 Cleveland St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
43. United Food Inc. DBA Toby's Casino, 720 E North Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

44. United Food Inc. DBA Toby's Casino, 714 Cleveland Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
45. Peaceful Pines Casino Inc. DBA West Main Square Casino, 3205 W Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
46. Colonial House Inc. DBA Colonial House, 2501 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
47. Rapid Bowl Inc. DBA Meadowood Lanes, 3809 Sturgis Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
48. Poker Joe's Inc. DBA Poker Joe's, 211 Cambell Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
49. CMS LLC DBA The Hall Inn, 214 E St. Joe St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals NO Video Lottery

50. Black Hills Amateur Baseball Inc. DBA Black Hills Amateur Baseball, McKeague Field, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
51. Mae Jean Adams DBA The Corn Exchange, 727 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
52. Central States Fair Inc. DBA Central States Fair, 800 San Francisco St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
53. Botticellis Ristorante Italiano Inc. DBA Botticellis Ristorante Italiano, 523 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
54. Mai T Goodsell DBA Saigon Restaurant, 221 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
55. Two Lefties and Panchos DBA Pancheros Mexican Grill, 1221 W Omaha Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
56. Rapid City Softball Assoc., 1511 Sedivy Lane, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
57. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
58. Chrisbro LLC DBA Hampton Inn, 1720 Rapp St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
59. Century Motels Inc. DBA Howard Johnson Express Inn & Suites, 950 North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
60. Lisa Holbrook DBA The Beanery, 201 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery

61. Piesanos Pacchia Inc. DBA Piesanos Pacchia, 3618 Canyon Lake Dr. #121, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
62. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Hwy. 16 Ste. G, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
63. Ugly Inc. DBA Budd Ugly's/Sports Rock, 321 7th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
64. S&Y Inc. DBA Golden Phoenix Restaurant, 2421 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
65. Bully Blends Coffee and Tea Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
66. Walter Banovic DBA Picasso Barn Pizzeria, 325 Omaha Street #6, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
67. GF Pizza Inc. DBA Godfathers Pizza, 110 Cambell Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
68. CEC Entertainment DBA Chuck E Cheeses, 30 Knollwood Dr., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
69. Museum Alliance of Rapid City Inc. DBA The Journey Museum, 222 New York Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
70. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
71. Asian Garden Inc. DBA Asian Garden, 740 Mt. View Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
72. Li Zhu Zhu DBA Hong Kong Buffet, 927 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
73. Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
74. Delmonico Grill Inc. DBA Delmonico Grill, 609 Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
75. Jim Berger and Rhonda Berger DBA Ichiban, 1109 W Omaha Street Ste. A, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
76. NPC International Inc. DBA Pizza Hut #2776, 2604 W Main Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
77. NPC International Inc. DBA Pizza Hut #2777, 2005 Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
78. Uncork'd Wine and Tapas Bar LLC DBA Uncork'd Wine and Tapas Bar, 5734 Sheridan Lake Rd. #107, for a Retail (on-off sale) Malt Beverage License NO Video Lottery

79. Dadah Kids Corp DBA Pauly's Pizzeria and Sub Co., 1624 E St. Patrick St. #101, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
80. Black Hills Food Services Inc. DBA Fuddruckers, 2200 N Maple Ave. #330, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
81. Rapid City Arts Council Inc. DBA Dahl Arts Center, 713 7th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
82. Sergio and Ana Munoz DBA Sabor A Mexico, 208 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
83. Los Espinos LLC DBA LaCosta Mexican Restaurant, 603 Omaha St., for a Retail (on-off sale) Malt Beverage License NO Video Lottery

2010 – 2011 Package (off-sale) Malt Beverage License Renewals

84. Fresh Start Convenience Stores Inc. DBA Fresh Start – Rapid City, 520 Birch Avenue, for a Package (off-sale) Malt Beverage License
85. B&L Inc. DBA Boyds Liquor Mart, 909 E. St. Patrick Street, for a Package (off-sale) Malt Beverage License
86. B&L Inc. DBA Boyds Liquor Mart, 655 Mountain View Rd., for a Package (off-sale) Malt Beverage License
87. MG Oil Company DBA Corner Pantry #8, 302 E North Street, for a Package (off-sale) Malt Beverage License
88. MG Oil Company DBA Corner Pantry #9, 1220 E St. Patrick Street, for a Package (off-sale) Malt Beverage License
89. MG Oil Company DBA Corner Pantry #10, 1818 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
90. MG Oil Company DBA Corner Pantry #14, 501 Deadwood Ave., for a Package (off-sale) Malt Beverage License
91. MG Oil Company DBA Corner Pantry #13, 310 E. Fairmont Blvd., for a Package (off-sale) Malt Beverage License
92. Carol Enterprises DBA Don's Valley Express, 4030 Cheyenne Blvd., for a Package (off-sale) Malt Beverage License
93. Fuel Food Mart Inc. DBA Corner Pantry #4, 901 E North Street, for a Package (off-sale) Malt Beverage License
94. Fuel Food Mart Inc. DBA Corner Pantry #5, 601 Mt. View Rd., for a Package (off-sale) Malt Beverage License
95. Nash Finch Company DBA Family Thrift Center #254, 855 Omaha Street, for a Package (off-sale) Malt Beverage License

96. Target Corporation DBA Target Store T-2457, 1415 Eglin Street, for a Package (off-sale) Malt Beverage License
97. I-90 Service Center Inc. DBA I-90 Service Center, 2213 N LaCrosse Street, for a Package (off-sale) Malt Beverage License
98. Country Stores Inc. DBA BJ's St. Patrick Street, 701 E St. Patrick Street, for a Package (off-sale) Malt Beverage License
99. Wal-Mart Stores Inc. DBA Wal-Mart Supercenter #1604, 1200 N LaCrosse St., for a Package (off-sale) Malt Beverage License
100. Superpumper Inc. DBA Superpumper #27, 2215 Haines Ave., for a Package (off-sale) Malt Beverage License
101. Superpumper Inc. DBA Superpumper #16, 3275 S Hwy. 79, for a Package (off-sale) Malt Beverage License
102. Big D Oil Co. DBA Big D Oil Co Store #42, 850 E North Street, for a Package (off-sale) Malt Beverage License
103. Big D Oil Co. DBA Big D Oil Co Store #41, 1160 LaCrosse Street, for a Package (off-sale) Malt Beverage License
104. Big D Oil Co. DBA Big D Oil Co. #17, 3540 Sturgis Rd., for a Package (off-sale) Malt Beverage License
105. Big D Oil Co. DBA Big D Oil Co. #8, 2303 Jackson Blvd., for a Package (off-sale) Malt Beverage License
106. Safeway Stores Inc. DBA Safeway Store 581, 2120 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
107. Safeway Stores Inc. DBA Safeway Store 1554, 730 Mt. View Rd., for a Package (off-sale) Malt Beverage License
108. Jim Buchli DBA Rushmore Sinclair, 2420 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License

2010 – 2011 Package (off-sale) Malt Beverage and South Dakota Farm Wine License Renewals

109. Fancies Flowers and Gifts Inc. DBA Fancies Flowers and Gifts, 1301 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage and SD Farm Wine License
110. La Grand Station LLC DBA La Grand Station, 3851 Eglin Street, for a Package (off-sale) Malt Beverage and SD Farm Wine License
111. Bosselman Inc. of South Dakota DBA Bosselman Travel Center, 2783 Deadwood Ave., for a Package (off-sale) Malt Beverage and SD Farm Wine License
112. Recreational Adventures Co. DBA KOA Kampground, 3010 E Hwy. 44, for a Package (off-sale) Malt Beverage and SD Farm Wine License

Special Events

- 112A. Black Hills Home Builders Association for a Special Event Malt Beverage License for an event scheduled June 17, 2010 at Prairie Edge Trading Co., 606 Main Street
- 112B. Rapid City Regional Hospital Foundation for a Special Event Wine License for an event scheduled June 19, 2010 at The Golf Club at Red Rock, 6520 Birkdale Drive

Transfers

113. 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 5th Street
114. 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 5th Street

Public Works Committee Consent Items

115. No. PW042710-01 – Deny the request to change the ordinance regarding the Water Conservation Rebate Request.
116. No. PW051110-03 – Acknowledge the report Sidewalks for South Side of the 100 Block of New York Street and direct staff to put up signs on the south sidewalk directing pedestrians to cross to the north sidewalk.
117. No. PW051110-04 – Acknowledge the report on Ports to Plains Alliance.
118. Acknowledge the report Status of Completion of 9th Street Curb Reconstruction North of Fulton Street.
119. Refer a Request to Purchase GIS/GPS System for the City Landfill to the 2011 Budget Hearings.
120. No. PW051110-05 – Approve Change Order No. 2 to Zenon Environmental Corporation for the Water Treatment Plant Upgrades – Jackson Springs Membrane Prepurchase, Project No. W07-1689 / CIP No. 50696, for extension of the final submittal milestone date from 120 days to 134 days after the Notice to Proceed. This is a no cost change order.
121. No. PW051110-06 – Approve Change Order No. 10 Final to Sampson Construction for the Rushmore Plaza Civic Center Multipurpose Addition, Project No. IDP06-1555, for an increase of \$20,097.00.
122. No. PW051110-24 – Approve Change Order No. 1F to RCS Construction, Inc. for Catron Boulevard / Highway 16B Sanitary Sewer Extension, Project No. SS09-1782 / CIP No. 50396, for a decrease of \$27,868.32.
123. No. PW051110-07 – Authorize Staff to Advertise for Bids for Jackson Boulevard Joint Sealing & Panel Repair, Project No. ST10-1871 / CIP No. 50445. Estimated cost: \$125,000.00.
124. No. PW051110-08 - Authorize Staff to Advertise for Bids for 2010 Chip Seal Project – Mountain View Area, Project No. ST10-1855 / CIP No. 50549. Estimated cost: \$235,000.00.

125. No. PW051110-09 – Authorize Staff to Advertise for Bids for Energy Efficient Street Light Pilot Project, Project No. SL10-1878 / CIP No. 50814. Estimated cost: \$44,000.00. (To be funded through DOE grant.)
127. No. PW051110-11 – Authorize Staff to Advertise for Bids for St. Patrick Street Sidewalk Repairs and ADA Upgrades, Project No. ST10-1874 / CIP No. 50809. Estimated cost: \$35,000.00.
128. No. PW051110-12 – Authorize Staff to Advertise for Bids for 7TH Street & Kansas City Street Overlay Project, Project No. ST10-1880 / CIP No. 50445. Estimated cost: \$250,000.00.
129. No. PW051110-13 – Authorize Staff to Advertise for Bids for Road Way De-Icer – Road Deicing Salt – Sodium Chloride. Estimated cost: \$97,000.00.
130. No. PW051110-14 – Authorize Staff to Advertise for Bids for Heights Drive Sanitary Sewer Main Extension, Project No. SS09-1831 / CIP No. 50777. Estimated cost: \$883,000.00. (Funded by Federal Stag Grant and Utilities Facility Fund.)
131. No. PW051110-15 – Authorize Staff to Advertise for Bid for Cliff Drive Sanitary Sewer Main Extension, Project No. SS09-1830 / CIP No. 50778. Estimated cost: \$550,000.00. (Funded by Federal Stag Grant and Utilities Facility Fund.)
132. No. PW051110-25 – Authorize Staff to Advertise for Bids for Silver Street Area Utility Improvements, Project No. SSW07-1656 / CIP No. 50418. Estimated cost: \$2,650,000.00.
133. No. PW051110-16 – Authorize Mayor and Finance Officer to Sign a Maintenance and Encroachment Agreement between SD Department of Transportation and City of Rapid City for SD Federal Aid Construction Project Number NH 2016(17)64 PCN 6875, located on US16B from US16 to SD 79 and consists of urban grading, portland cement concrete (PCC) surfacing, roadway lighting, and traffic signals at the intersections of US16B with 5th Street and US16.
134. No. PW051110-17 – Authorize Mayor and Finance Officer to Sign a Maintenance Agreement between SD Department of Transportation and City of Rapid City for Traffic Signals on the State Highway System.
135. No. PW051110-18 – Authorize Mayor and Finance Officer to Sign Amendment No. 4Final to the Professional Services Agreement with FourFront Design, Inc. for the Civic Center Expansion, Project No. IDP06-1555, for an increase of \$2,965.00.
136. No. PW051110-19 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Ferber Engineering for Wetland Monitoring located in the NW ¼ of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Project No. DR10-1881, in the amount of \$10,000.
137. No. PW051110-20 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Banner Associates, Inc. for Northridge Water Storage Reservoir, Project No. W09-1792 / CIP 50754, in the amount of \$268,800.00.
138. No. PW051110-21 – Authorize Staff to Seek Proposals for Engineering Services for Water Reservoir Maintenance, Project No. W10-1879 / CIP No. 50804.
139. No. PW051110-22 – Approve funding line item allocation change for Oak Avenue, Oak Drive, and Oakland Street Reconstruction professional services, Project No. ST09-1824 / CIP 50424. No cost change.

141. No. PW051110-23 – Approve recognizing 813 off-street parking spaces as a parking determination for Central High School.
142. No. 10VE008 - Approve a request by Sperlich Consulting, Inc. for Kale McNaboe for a **Vacation of a portion of a Utility and Drainage Easement** on Lot 21 of Block 8 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 806 Marie Court.

RESOLUTION #2010 - 064
RESOLUTION OF VACATION OF A PORTION OF A UTILITY AND
MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and minor drainage easement on Lot 21 of Block 8 of Robbinsdale Addition No. 10, located in the SE1/4 of the NW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 806 Marie Court, is no longer needed; and

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

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

Dated this 17th day of May, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Legal & Finance Committee Consent Items

143. Approve the request from Bob Fuchs of Summer Nights to use the banner poles on Main Street and St. Joe Street for a fee of \$375 to cover the cost of the City putting up and taking down the banners under the condition that if the banners need to be taken down for another organization to use the poles, Summer Nights will pay an additional fee of \$375 to put the banners back up.
144. No. LF051210-16 – Confirm reappointment of Dick McConnell and Ron Johnsen (terms to expire May 1, 2013) and appointment of Lisa Modrick (term to expire May 1, 2013) to the Airport Board.
145. No. LF051217 – Confirm appointment of Tim Baumgartner, Electrical Contractor, and Steve Struble, Electrical Journeyman, (terms to expire May 30, 2012) to the Electrical Board.
146. No. LF051210-18 – Confirm reappointment of Myron Tatum, Contractor, and William (Bill) Werner, Plumber, (terms to expire May 30, 2012) and appointment of Bradley Bilka, Plumbing Contractor, (term to expire May 30, 2012) to the Rapid City Plumbing Board.
147. No. LF051210-03 – Approve Event Permit for Rapid City Police Department Cruiser Night on June 12, 2010.

- 148. No. LF051210-04 – Approve Resolution No. 2010-061 Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION #2010-068
RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR
CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 17th day of May 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 21st day of June 2010 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 17th day of May, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 149. Acknowledge the following volunteers for workmen’s compensation purposes: Jesse Cantrell.
- 150. No. LF051210-06 – Authorize Mayor and Finance Officer to sign the U.S Department of Housing and Urban Development (HUD) Funding Approval/Agreement for Community Development Block Grant Funds for FY 2010.
- 152. No. LF051210-14 – Authorize Mayor and Finance Officer to sign Amended License Agreement between the City of Rapid City and Neil Litzen, d/b/a Mr. Frosty 2, for the Sale of Pre-Packaged Ice Cream Novelties and Soft Drinks.
- 153. No. LF051210-20 – Acknowledge raffle request from South Dakota Elks Association.
- 154. No. LF051210-15 – Approve Property Tax Abatement for Sherry K Halls for 2009 in the amount for \$1,383.06.

END OF CONSENT CALENDAR

Motion was made by Costello, second by Waugh and carried to (No. PW051110-10) Authorize Staff to Advertise for Bids for 2010 Miscellaneous Improvements Project, Project No. MIP10-1857 / CIP No. 50298. Responding to Costello, Tech explained that the project is to fix several minor issues in rights-of-way, such as ADA crosswalks, pavement and pedestrian issues. Tech then detailed where each site is located and described the issues that would be addressed. Motion carried.

It was indicated that Items 140 and 151 address the same issue. Motion was made by Costello, second by Waugh, to acknowledge the report and presentation of South Dakota Engineering Society Project of the Year Award to the City of Rapid City and Cetec Engineering for "Well 12 and Stoney Creek Booster Station, Project No. W03-953 / CIP 50318" Costello commented that the site is worthy of the award, and Tech briefly described the site and its capabilities. Costello and Hadcock both expressed their appreciation. Motion carried.

CONTINUED CONSENT ITEMS – Items 155 – 163

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

Continue the following items until June 7, 2010:

155. 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.
156. 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.
157. No. 09PL072 - A request by Renner & Associates for Royal Nielsen for a **Preliminary Plat** on Lots A and B of Lot 15 Revised of Hillview Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 revised of Hillview 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.
158. 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.
159. 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.

160. No. 10PL019 - A request by FourFront Design, Inc. for Jim Mirehouse for a **Preliminary Plat** on Lot D of Block 1 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 1 less Lots 1 thru 8 of South Creek Industrial Park, located in the SW1/4 of the NW1/4 and the NW1/4 of the SW1/4, Section 8, T1N,R8E, BHM, Rapid City, Pennington County, South Dakota, located south of E. Tallent Street between Creek Drive and South S.D. Highway 79.
161. No. 10PL020 - A request by Ron Davis of Davis Engineering, Inc. for a **Preliminary Plat** on Lots 8 thru 10 of Block 7, Lots 1R and 7 thru 11 of Block 8 and Lots 3 thru 9 of Block 10 of Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted of Tract F of the NW1/4 and Lot 1 of Block 8 of Murphy Ranch Subdivision, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located at 5670 E. Highway 44.
162. No. 10PL021 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 22 of Block 4, Lots 1 thru 15 of Block 5, Lots 1 & 2 of Block 6, Lot 1 of Block 7, Rust Ridge Court right-of-way, Fieldstone Drive right-of-way and Vinecliff Drive right-of-way of Elks Crossing, located in the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as an unplatted portion of the E1/2 of the SW1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road on Fieldstone Drive.

Continue the following items until July 19, 2010:

163. No. 10PL016 - A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations for a **Layout Plat** on Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 164 – 187

Motion was made by Costello, second by Weifenbach and carried to open the public comment for Items 164 – 187. No comments were offered.

Motion was made by Waugh, second by Costello and carried to close the public comment for Items 164 – 187.

Ordinances

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 Low Density Residential District to General Commercial District** of Tract B of the SE¼ of the SW¼, a portion of the S1/2 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 SE¼ of the SW¼ 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. Motion was made by Olson, second by Waugh and carried to table this item.

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 Low Density Residential District to Office Commercial District** 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, 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 South Waterloo Street and Racine Street. Motion was made by Olson, second by Waugh and carried to table this item.

Ordinance 5610 (No. LF042810-11) An Ordinance to Remove the Requirement to be a Freeholder for Membership on the Airport Board by Amending Section 2.72.020 of the Rapid City Municipal Code having passed its first reading on May 3, 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, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5610 was declared duly passed upon its second reading.

Ordinance 5611 (No. LF042810-12) An Ordinance to Clarify the Process for Appointing Members to the Historic Preservation Commission by Amending Section 2.68.030 of the Rapid City Municipal Code having passed its first reading on May 3, 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, Chapman, Olson, Weifenbach, Kroeger and Hadcock; NO: None; whereupon the

Mayor declared the motion passed and Ordinance No. 5611 was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Olson, second by Waugh and carried to approve with stipulations (No. 10PL011) a request by Doug Noyes for a **Preliminary Plat** on Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street. (Note: During the reading, the incorrect address was read. See below for reconsideration of this item.)

Motion was made by Olson, second by Weifenbach and carried to approve (No. 10PL014) a request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson for a **Layout and Preliminary Plat** on Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9850 Sheridan Lake Road with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, road construction plans for the section line highway located along the north lot line shall be submitted for review and approval. In particular, the construction plans shall show the street located within a 49 foot right-of-way, and constructed with a 24 foot wide paved surface, curb, gutter, sidewalk, 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 Sheridan Lake Road shall be submitted for review and approval. In particular, the construction plans shall show the street located in a minimum 100 foot wide right of-way and constructed with a 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, a grading and drainage plan, as well as an erosion and sediment control plan shall be submitted for review and approval if subdivision improvements are required; 4. Prior to Preliminary Plat approval by the City Council, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 5. Prior to submittal of a Final Plat application, reserve drainfield areas for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 6. Prior to submittal of a Final Plat application, the existing shed shall be removed from the major drainage easement; 7. Prior to submittal of a Final Plat application, the Wild Fire Mitigation Plan shall be revised and resubmitted for review and approval; 8. 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; 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 10. 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 Hadcock and carried to reconsider Item 168 (No. 10PL011) as the address was read incorrectly. Olson read the item again.

Motion was made by Olson, second by Waugh and carried to approve (No. 10PL011) a request by Doug Noyes for a **Preliminary Plat** on Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section

2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street with the following stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission, the applicant shall submit a revised site plan identifying the existing approach locations on adjacent properties to ensure that the separation requirements of the Street Design Criteria Manual are being met; 2. Prior to Preliminary Plat approval by the Planning Commission approval, revised plans showing sidewalks along both the north and south sides of Clark Street, as it abuts the property, shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 3. Prior to Preliminary Plat approval by the City Council, road construction plans for Clark Street as it abuts the property shall be submitted for review and approval. In particular, the construction plans shall show Clark Street constructed with street light conduit or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, construction plans for the adjacent alley as it abuts the property shall be submitted for review and approval. In particular, the construction plans shall show the alley constructed with a 16 foot wide paved surface or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to Preliminary Plat approval by the City Council, a cost estimate for any required subdivision improvements must be submitted for review and approval; 6. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 7. Prior to the City's acceptance of the public improvements, warranty surety shall be submitted for review and approval as required; and, 8. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or the applicant 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. 10PL025) a request by D.C. Scott Co. Land Surveyors for Jim and Delana Nelson for a **Layout Plat** on Lots 1 and 2 of Nelson Subdivision, located in the SW1/4 SW1/4, Section 25, T1N, R6E, BHM, Pennington County, South Dakota, legally described as the NW1/4 SW1/4 SW1/4 and the N1/2 N1/2 SW1/4 SW1/4 SW1/4 lying east of Nemo Road, the NE1/4 SW1/4 SW1/4 and the N1/2 N1/2 SE1/4 SW1/4 SW1/4 of Section 25, T1N, R6E, BHM, Pennington County, South Dakota, located at 13545 and 13555 Bittersweet Road with the following stipulations: 1. Prior to submittal of a Preliminary Plat application, the property shall be rezoned by Pennington County from Limited Agriculture District to Low Density Residential District or a Variance to reduce the lot size from 10 acres to 4.99 acres in the Limited Agriculture District shall be obtained or the plat document shall be revised to provide a minimum 10 acre lot size; 2. Upon submittal of a Preliminary Plat application, road construction plans for Nemo Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located within a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of 10 feet of additional right-of-way or a Variance to the Subdivision Regulations shall be obtained; 3. Upon submittal of a Preliminary Plat application, road construction plans for the section line highway located along the west lot line shall be submitted for review and approval. In particular, the road construction plans shall show the section line highway located within a dedicated 45 foot wide right-of-way and constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated. If the applicant proposes to vacate the section line highway, then all of the adjoining property owner(s) shall sign the petition to vacate the section line highway; 4. Upon submittal of a Preliminary Plat application, road construction plans for the proposed 66 foot wide access easement shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. If visitor parking is provided at the rate of one paved parking stall per dwelling located within 300 feet of each residence and the street is posted with no parking signs, then the street may be located in a minimum 45 foot wide right-of-way and constructed

with a minimum 20 foot wide paved surface, curb, gutter, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, a turnaround shall be provided at the end of the street with a minimum 110 foot wide diameter easement or right-of-way and constructed with a minimum 96 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to submittal of a Preliminary Plat application, an Exception shall be obtained to allow the proposed 66 foot wide access easement as a 1,400 foot long cul-de-sac street without an intermediate turnaround in lieu of a maximum 500 foot long cul-de-sac street with an intermediate turnaround every 600 feet as per the Street Design Criteria Manual or the plat document shall be revised accordingly; 6. Upon submittal of a Preliminary Plat application, road construction plans for Bittersweet Road shall be submitted for review and approval. In particular, the road construction plans shall show the street located in a minimum 49 foot wide right-of-way and 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; 7. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a collector street extending through the northeast corner of the property as per the Major Street Plan or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to eliminate and/or relocate the street. In addition, upon submittal of a Preliminary Plat application, construction plans for the collector street shall be submitted for review and approval showing the street located within a minimum 60 foot wide right-of-way and 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 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. If individual on-site wastewater systems are utilized, then an on-site wastewater plan prepared by a Professional Engineer demonstrating that the soils are suitable for on-site wastewater systems shall be submitted for review and approval. In addition, dry sewer mains shall be provided pursuant to the adopted Source Water Protection Study recommendation; 9. 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. If a private water system is utilized, then an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval. In addition, the water plans shall demonstrate that adequate fire and domestic flows are being provided. The plat document shall also be revised to provide utility easements as needed; 10. Prior to submittal of a Final Plat application, a reserve drainfield area for on-site wastewater treatment shall be shown on the plat or a note shall be placed on the plat indicating that at the time a Building Permit application is submitted, a reserve drainfield area for on-site wastewater treatment will be identified and held in reserve unless a public sewer system is provided; 11. Prior to submittal of a Final Plat application, a Wild Fire Mitigation Plan shall be submitted for review and approval and the plan shall be implemented; 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Nemo Road; 13. Prior to submittal of a Final Plat application, the plat document shall be revised to show a ten foot wide planting screen easement along Nemo Road or a Variance to the Subdivision Regulations shall be obtained. In addition, the planting screen easement shall not conflict with utility easement(s); 14. Prior to submittal of a Preliminary Plat application, the plat document shall be revised to show a different name for the subdivision since Nelson Subdivision already exists; 15. Upon submittal of a Preliminary Plat application, a grading and drainage plan shall be submitted for review and approval if subdivision improvements are required or site grading is proposed; 16. Upon submittal of a Preliminary Plat application, a cost estimate of the subdivision improvements shall be submitted for review and approval; 17. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity which will provide the mechanism for street maintenance and snow removal. In particular, an agreement with Pennington County shall be submitted for review and approval indicating that the proposed street shall be accepted by Pennington County for road maintenance and snow removal, or evidence shall be submitted for review and approval that a road district has been established in accordance with SDCL 31-12A-1, or a legally binding agreement shall be submitted for review and approval by the City Council which guarantees sufficient financial commitment to provide these services;

18. Upon submittal of a Final Plat application, the applicant shall submit proof of the legal entity with will provide the mechanism for maintenance and ownership of the well; 19. 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; and, 20. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Legal & Finance Committee Items

Motion was made by Olson, second by Waugh and carried to approve (No. LF051210-19) a request for an Event Permit from The Dahl Arts Center for Make A Splash Art Adventure to be held on June 5, 2010, from 10:00 a.m. to 3:00 p.m.

Motion was made by Olson, second by Chapman and carried to approve (No. LF051210-21) a request for an Event Permit from the Pennington County Auditor's Office for parking (10 spaces for polling purposes) in front of Rapid City Public Library at no cost to voters on June 8, 2010, June 29, 2010 and November 2, 2010 from 7:00 a.m. to 7:00 p.m.

Motion was made by Olson, second by Waugh, to set a Special Council meeting on June 9, 2010, at 12:30 p.m. to canvass the vote for the Annual Municipal Election to be held June 8, 2010. Preston explained that the canvass must be done on this date to allow sufficient time to follow requirements for the possible run off and special election on June 29, 2010. Motion carried.

Motion was made by Olson, second by Waugh and carried to set a Special Council meeting on July 6, 2010, at 6:30 p.m. to canvass the vote for the Special Election to be held on June 29, 2010.

Motion was made by Olson, second by Weifenbach and carried to (No. LF051210-05) approve Resolution No. 2010-058 Declaring Property Surplus.

RESOLUTION #2010-058 RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Police

Custom build PII-300; ALM0289; desktop PC
 Gateway E4000; 0029117329; desktop PC
 Gateway E4000; 0029117331; desktop PC
 Gateway E4000; 0029117325; desktop PC
 Gateway E4000; 0029117330; desktop PC
 Gateway E4000; 0029117326; desktop PC
 Gateway E4000; 0029117324; desktop PC
 Gateway E4000; 0029117333; desktop PC
 Gateway E4000; 0029117327; desktop PC
 Gateway E4000; 0029117332; desktop PC
 Gateway E4000; 0029117328; desktop PC
 Gateway E3600; 0026342496; desktop PC
 Gateway E4000; 0029117329; desktop PC
 Gateway E6000; 0029116870; desktop PC
 Gateway E4600; 0022654940; desktop PC

Gateway E3600; 0026342493; desktop PC
Gateway G6400; 0013036716; desktop PC
Gateway E3600; 0026342499; desktop PC
Gateway E3600; 0026342494; desktop PC
Gateway E3600; 0026342495; desktop PC
Gateway E3600; 0025602588; desktop PC
PC Connection; 62564907; desktop PC
PC Connection; 62564901; desktop PC
PC Connection; 62564905; desktop PC
PC Connection; 62564912; desktop PC
PC Connection; 62564911; desktop PC
Micron; PII600; 2010544; desktop PC
Custom build AMD; desktop PC
Dell; GX280; 8FP4P71; desktop PC
HP 05300; USU3240B3H; desktop PC
HP 05300; USU32405GG; desktop PC
HP 05300; USU32405G3; desktop PC
HP 05300; USU3240547; desktop PC
HP 05300; USU3240558; desktop PC
Dell GX280; HQ2BP71; desktop PC
Custom build AMD; desktop PC
Monitor; Hansol 17"; N0336002206; LCD
Monitor; Dell 17"; LN04U493146633575AHM; LCD
Monitor; Dell 17"; LN0U4931466335595D4M; LCD
Panasonic; CF-28; 3CKYA04462; laptop
Panasonic; CF-28; 3CKYA04415; laptop
Panasonic; CF-28; 3CKYA02648; laptop
Panasonic; CF-28; 3CKYA02539 laptop
Panasonic; CF-28; 3LKYA04462; laptop
Gateway 5300; BQB01370257; laptop
Gateway 5300; BQB01050245; laptop
Gateway 2150; 0017325065; laptop
Winbook; WinbookXL; UEM206W1208N34; laptop
Nobilus; green732; GBX631400111; laptop
Nobilus; green733; 96F29000021Q33700; laptop
Nobilus; green 732; GBX631600056; laptop
Nobilus; green 732; GBX631400126; laptop
HP NX9010; CNF42412CTS; laptop
HP NX9010; CNF4220DW4; laptop
Monitor Dell 17"; 5CC182L; LCD
Monitor Hansol 17"; 002207; LCD
HP C9663A; JP13GB51605; Printer
HP LaserJet5; Printer
Lexmark C510; Printer
HP LaserJet5; 16574; Printer
HP LaserJet6; 16694; printer
Visioneer 9450; scanner
HP Deskjet940; printer
CTX PV510; 00428; LCD
CTX PV510; 00115; LCD
Beng FP557; 1511; LCD
CTX PV510; 00746; LCD
Systemax C5113; 9876; LCD

RDS INV515; 8060; LCD
 Gateway FPD1520; 1816; LCD
 5) R-C9720A toner for HP-4600/4650 - Black
 R-C9722A toner for HP-4600/4650 - Yellow
 R-C9721A toner for HP-4600/4650 – Cyan
 R-C9723A toner for HP-4600/4650 – Magenta
 2) C39 yield standard drum for HP LASER JET 5P/5MP/6P/6MP/6PXI/6PSE/6RE – Black
 3) R-C3903A toner for HP-5P/5MP, 6P/5MP – Black
 3) C4096A laser cartridge for HP2100 – Black
 C8061X toner for HP4100
 2) Cannon toner for NP-101,1020,6010
 Cannon toner for GP200
 FX3 for Cannon fax phone – Black
 2) Brother TN-250 toner for fax phone – Black
 Cassette audio recorder, Marantz, PMD201, SN MZ049939770077
 Video editing controller, Sony RM-450, SN 76783
 Video cassette recorder, Sony V09850, Manuf 1988, SN 74376
 Video cassette recorder, Sony VO 9800, Manuf. 1988, SN 72984
 S-VHS video cassette recorder, JVC BR5622DXU, SN 7311035
 Video cassette recorder, Quasar VHQ750, SN SB1420626
 Video cassette recorder, Panasonic PV-V4522, SN B21C27103
 Television, JVC C-13910, Manuf. 1998, SN 13378499
 Television, JVC C-13310, Manuf. 2002, SN 8713410
 Camera equipment, Beattie C-24x, 752701, SN 12985563
 Camera equipment, Beattie C-24x, 752701, SN 12980521

Water

Dell Computer OptiPlex GX1 SN 9874U (no hard drive), City #5751
 Gateway Computer SN 0018407571, IT# 0459, City #15702
 Gateway Computer SN 0025769012, IT S0552
 Gateway Computer SN 0029018400, IT S0589, City 5741
 Deskjet 722C Printer
 Epson Printer - dot matrix
 HP Deskjet 6980 Printer (won't print), City 5683
 HP Laserjet 2100 Printer SN USGR200433
 Dell Monitor 17"
 Gateway Monitor 19" SN M1541A599774
 Gateway Monitor 17" SN MU17089A0028755
 Speakers (3 sets)
 Communication Cable
 Logitech Mouse
 Intel Mouse
 Dell Keyboard SN 6M2317
 Gateway Keyboard (2)
 Computer Tower Holder on rollers
 Under Desk Swivel Keyboard Tray & Mouse Pad
 Under Desk Keyboard Tray
 L-shaped Desk/Return
 Dual Drawer Metal Cabinet - each 8X5, total 18" W X 18" D
 Antique Manual Typewriter Stand on rollers
 Coleman Generator 4000W, Cty #5145
 Tires 2 pair -Goodyear Workshorse Radial LT245/75R16
 1997 GMC Safari Van, Lic# CTY 1547, Mileage 112,021

Airport

1977 Ford F-250 custom stair truck; 63 miles; City decal ID# 17241; City License plate # CTY1548; in good operating condition.

1979 44 passenger 4X2 International school bus; Make Model 1853 276" W/B; Serial # BA185 JHB21873; Reg # 79B4737; 38,168 miles/1218 hours; runs ok

License plate # CTY 5984

1993 Kolberg 41 series Stationary Conveyor/hopper; Kolberg Products; West 21st street; Yankton SD 57708; Serial # 7608-41-2437-93; Order no. 2916

2) York, Diamond 90, natural gas heaters; Model # P3URB12W07501B; Ser# EDGM124484; 74,000 BTU output

Parks

Sod Cutter, Jacobsen 9 HP Bantam, Serial No. 17727 – motor runs – does not work

3) 4' round picnic tables

10) metal chairs

Gateway desktop computer, #15801, S0524

Gateway desktop computer, #15551, S0372

Gateway laptop

Panasonic printer KX-P-1150

EST printer, PT-15

HP Scanner, HP Scan jet 5p

HP printer, HP DeskJet 810C

HP printer, HPLaserjet 6p, #15391

6) MA-3 power megaphones

Ford pickup truck, 1FTEX14H8PK839122, 102,433.7 miles, CTY1632

Finance

OKI Microliner 320 Turbo 9 Pin Printer; S/N: 90029682; #12447

Sharp Compet QS-1680 adding machine; S/N: 312E5057323

Information Technology

S0680 Gateway 960X Server SN: 0033141447

S0643 Gateway 980 Server SN: 0029603145

HP Netserver LH 6000 U3 SN: US22340193

Draper Screen – 220"x 240" (18ft x 20ft) White

Fire

2) Mobile pager chargers

4) Pagers with chargers

2) Beacon pagers with chargers

2) GE portable radio chargers

1) GE radio RC ID#18200

Police - Evidence

Hitachi VHS Recorder w/Remote, FX530, 81010572

Thompson RCA 25" Color Television w/Remote, F25261, 046616638

Black Metal Audio/Visual TV Cart

Gray office chair (without arms), RC Sticker # 12607

Black office chair (with arms)

Hewlett-Packard Printer, MY43H4N1GZ

Hewlett-Packard Desktop Printer, 6980, MY6207R19M

Smith Corona Word Smith Electric Typewriter, KA13, Y305G00510

Black Bell & Howell Overhead Projector, 3880, 4019006

Brown & gray HP L355 Overhead Projector. 901082

Plastic-wood Cassette Tape Holder (Box)

White metal Fluorescent Light Fixture

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 17th day of May, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Olson, second by Waugh, to (No. LF051210-07) Authorize staff to advertise for bids for PR09-6008 Parkview Playground Project. Hadcock expressed concern with the area being landlocked and having the same parking issues as Star of the West. She asked the Council to look ahead regarding a possible second access. Chapman said we can still pass this and challenge Parks and City to start the conversation about where a secondary access should be. Weifenbach suggested getting an easement. Motion carried.

Motion was made by Olson, second by Waugh and carried to continue to the June 2, 2010 Legal and Finance Committee meeting (No. LF051210-08) authorization for Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and SYB, Inc. to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Big Sky Subdivision, Phase 10.

Motion was made by Olson, second by Weifenbach, to (No. LF051210-09) Authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and 3T's Land Development LLC to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Minnesota Ridge Subdivision, Phase 2. Elkins explained that they were asked to make sure the lots were build able and Item 177 (No. LF051210-08) has one lot that is not. All others have build able lots where sidewalks are needed. Motion carried.

Motion was made by Olson, second by Weifenbach and carried to (No. LF051210-10) Authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and 3T's Land Development LLC to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Minnesota Ridge Subdivision, Phase 3.

Motion was made by Olson, second by Waugh and carried to (No. LF051210-11) Authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and 3T's Land Development LLC to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Minnesota Ridge Subdivision, Phase 4B.

Motion was made by Olson, second by Weifenbach and carried to (No. LF051210-12) Authorize Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and 3T's Land Development LLC to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Lots 9A and 9B of Robbinsdale Addition #10.

Motion was made by Olson, second by Waugh and carried to approve (No. LF051210-13) a request for the Mayor and Finance Officer to sign Amended Agreement between the City of Rapid City and Signature, LLC, to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Villaggio at Golden Eagle Subdivision.

Public Works Committee Items

Motion was made by Costello, second by Waugh, to continue to the June 7, 2010 City Council meeting (No. PW051110-01) A request to eliminate on-street parking from Jackson Boulevard near Mountain View Road due to intersection reconstruction and to schedule a special City Council meeting within 60 days. Olson indicated her support. Responding to Kooiker, Mayor Hanks explained the status of the issue and said adjacent property owners were notified that this was going to be continued. Kooiker said he asked for a separate meeting because of the extensive discussion and he wants a meeting if there is still significant disagreement from landowners. Responding to Hadcock, Mayor Hanks explained that the DOT must have approval of the governing body to remove parking. Olson said adjacent property owners support the continuation. Chapman clarified we are continuing the entire item, which includes discussion as well as setting the meeting. Motion carried.

Bids

The following companies submitted bids for (No. CC051710-02.1) Eglin Street Extension – Project No. ST05-1470 / CIP No. 50560 opened May 11, 2010: Tru-Form Construction, Quinn Construction, Hills Materials Company, Stanley J Johnsen Concrete Contractor Inc., and Heavy Constructors Inc. Staff reviewed the bids and recommends bid award to Tru-Form Construction. Motion was made by Chapman, second by Olson and carried to approve bid award to the lowest responsible bidder, Tru-Form Construction, in the amount of \$1,181,594.51 for Schedules 1 and 2 and Alternates 1 and E1.

The following companies submitted bids for (No. CC051710-02.2) Easy Street Sanitary Sewer Extension – Project No. SS09-1829 / CIP No. 50776 opened May 11, 2010: Rapid Construction Company LLC, Hills Materials Company, Quinn Construction and Mainline Contracting, Inc. Motion was made by Waugh, second by Costello and carried to approve bid award to the lowest responsible bidder, Rapid Construction Company LLC, in the amount of \$143,855.41.

The following companies submitted bids for (No. CC051710-02.3) Knollwood Drainage Outfall Elements 2 and 20 – Project No. DR04-1390 / CIP No. 50312 opened May 11, 2010: Rapid Construction Company LLC, Heavy Constructors Inc., Hills Materials Company, R.C.S. Construction Inc., Mainline Contracting Inc. and Zandstra Construction Inc. Motion was made by Waugh, second by Costello, to approve bid award to the lowest responsible bidder, R.C.S. Construction Inc., in the amount of \$2,120,216.30. Hadcock pointed out they are spending a lot of money on infrastructure, and she commended public works for getting the projects done. Motion carried.

Council Items & Liaison Reports

Alderman Kooiker addressed Off-Street Parking on the 600 Block of St. Cloud Street. He said this issue may be time sensitive, and he read messages from two concerned citizens in the area, Steve Bridge and Richard Miners. If this item is continued, Kooiker said he wants to make sure parking will not be eliminated between now and then. Hadcock explained that the issues on the street are being looked at. Motion was made by Hadcock, second by Waugh, to continue to the June 1, 2010 Public Works meeting. Weifenbach mentioned keeping curb cut issues in mind. Motion carried.

Alderman Chapman gave an update regarding the 2012 process and expressed his appreciation to those involved.

Alderman Kooiker requested an update regarding the refund for the South Valley area (Melody Acres). Preston explained that he has discussed the issue with Green, and they were unable to come up with a legal option to refund the fees. It was indicated that Green provided a written opinion to Preston. Preston explained that he cannot do anything illegal; therefore, staff has been directed not to process any refund payments. Motion was made by Kooiker, second by Waugh, to continue to the June 2, 2010 Legal and Finance meeting and ask that the opinion and pertinent information is linked. Weifenbach said he is not

convinced that it is illegal, and he wants something linked regarding the process that took place. Green pointed out that the opinion is a communication between attorney and client. Without a waiver, he is not comfortable linking it to the agenda, but he can provide hard copies to the Council. Hadcock said the process was not done right, and she believes the procedure was not followed. Chapman reiterated that this item has already been taken up and asked if the Council plans to take action. Green explained that the Council can waive the client attorney privilege to link the opinion letter but suggested Council review the letter first. Responding to Chapman, Green said the only way the action is legal is if you identify a funding source that is not public funds. Kroeger said that one person in the area was refunded money and asked how that could be done. Preston said after the last meeting he found several refunds that were made but said if they were made in error he will not do something intentionally illegal now. Elkins said if a request is submitted and the item has not been published or circulated the fees could be refunded. She indicated she has now been advised to no longer follow that process. Kooiker said he would like to release the opinion letter and pointed out that Green has already announced his opinion. Responding to Weifenbach, Green said if the process is deemed illegal the fees still cannot be returned.

Amendment motion was made by Hadcock, second by Martinson, to waive the attorney client privilege and link the opinion letter. Chapman suggested seeing what the letter says before releasing it but is in favor of releasing it. Responding to Olson, Green confirmed they are only waiving privilege on this memo provided to Preston. Amendment motion carried.

Regarding the original motion as amended, Chapman asked what the haste is in waiving the privilege and indicated it could wait until after executive session. Substitute motion was made by Kooiker, second by Chapman and carried to continue to the end of the agenda. Motion carried with one NO from Weifenbach.

PUBLIC HEARING ITEMS – Items 188 – 262

Motion was made by Waugh, second by Costello and carried to open the public hearing for items 188 – 262. Robert Hatch expressed concern regarding a rezoning (No. 10CA010). He said there are enough apartments there already and said they have had issues with tenants. He suggested building habitat homes there instead. Kara Hatch said when they purchased their home the area was zoned low density.

Deb Baker indicated her opposition to the request for Eagle Ridge Properties (No. 09PD096) and said the City made a commitment to protect neighborhoods from excessive apartments. She said the crime rate is excessive and indicated concern there are too many buildings in a small area. She asked the Council denies this until crime is under control. Bob Drew said this is about six units. He said it is positive because they have bettered landscaping, retaining walls and fence. Marin Ward showed pictures of unfinished landscaping and overflowing garbage bins. Mark Stulken spoke of some landscaping issues and pointed out how the apartments may coincide with the Wal-mart issue. Jay Alderman spoke of erosion issues and supports the landscaping installation. Kirk Hughes, Four Front Design, said that erosion and sediment control is part of phase two. Dan Baker reiterated his request for surety on this development. Charity Doyle asked if developers can leave the landscaping as is and be in compliance with the City. She also said it was indicated that phase one is completed and asked how that can be in compliance with city ordinance if it is not complete.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 188 – 200

Motion was made by Kroeger, 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 June 7, 2010:

188. 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.
189. No. 10RZ011 - Second Reading, Ordinance 5592, 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.
190. No. 10RZ015 - Second Reading, Ordinance 5596, 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 at 2803 Cactus Drive.
191. No. 10RZ020 - Second Reading, Ordinance 5597, 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.
192. 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 21, 2010:

193. 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.
194. 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.

195. 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.
196. 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.
197. No. 10RZ016 - First Reading, Ordinance 5600, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the 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.

198. No. 10RZ017 - First Reading, Ordinance 5601, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Rezoning from Office Commercial District to General Commercial District** on a portion of the SW¼ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at southeasterly corner of Lot 21 of Block 4 of Eastridge Estates Subdivision, common to the southwesterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S54°58'38"E, a distance of 42.23 feet, to the point of beginning; Thence first course: S89°44'01"E, a distance of 29.43 feet; Thence second course: N80°14'20"E, a distance of 61.38 feet; Thence third course: S00°00'01"E, a distance of 397.37 feet; Thence fourth course: N89°44'34"W, a distance of 176.15 feet; Thence fifth course: N12°34'56"E, a distance of 395.82 feet, to the point of beginning, located northeast of the intersection of Stumer Road and Black Hills Boulevard.
199. No. 10RZ018 - First Reading, Ordinance 5602, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Rezoning from Public District to General Commercial District** on a portion of the S½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 3 of Block 2 of Fifth Street Office Plaza, common to the southeasterly corner of Lot 4 of Block 2 of Fifth Street Office Plaza, thence S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 65.73 feet, to the point of beginning; Thence First course: S81°56'11"E, along the southerly boundary of said Lot 3, a distance of 109.48 feet; Thence Second course: S54°45'40"E, a distance of 151.94 feet; Thence Third course: S83°19'13"E, a distance of 383.89 feet; Thence Fourth course: S06°40'47"W, a distance of 50.00 feet; Thence Fifth course: N83°19'18"W, a distance of 396.61 feet; Thence Sixth course: N54°45'41"W, a distance of 262.07 feet, to the point of beginning, located north of Stumer Road and west of Fifth Street.
200. No. 10RZ019 - First Reading, Ordinance 5603, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for THF Stoneridge Development, LLC for a **Rezoning from General Commercial District to Public District** on a portion of the E½ of the NE¼, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 1 of Block 2 of Fifth Street Office Plaza, common to the northeasterly corner of Lot 2 of Block 2 of Fifth Street Office Plaza, common to a point on the southerly edge of Fifth Street right-of-way, thence S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-

way, a distance of 268.61 feet, to the point of beginning; Thence First course: S62°29'41"E, along the northerly boundary of said Lot 1, common to the southerly edge of said Fifth Street right-of-way a distance of 203.98 feet; Thence Second course: S27°26'24"W, a distance of 200.74 feet; Thence Third course: N83°19'13"W, a distance of 218.49 feet; Thence Fourth course: N27°30'19"E, a distance of 278.42 feet, to the point of beginning, located north of intersection of Parkview Drive and Fifth Street on the west side of Fifth Street.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Weifenbach, second by Costello and carried to close the public hearing for items 189 – 262.

CONSENT PUBLIC HEARING ITEMS – Item 201 – 254

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

201. No. 10CA010 – Approve a request by Larry Nelson for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. *(Continued from the May 3, 2010 City Council meeting.)*
202. MG Oil Company DBA Chances Casino, 1565 Haines Ave. Ste. D, for a Retail (on-off sale) Malt Beverage License TRANSFER from MG Oil Company DBA Warehouse Bar, 200 E. Main Street. *(Continued from the April 19, 2010 City Council meeting.)*
204. Black Hills Workshop for a Special Event Malt Beverage and Wine License for an event scheduled July 24, 2010 at Canyon Lake Resort, 2720 Chapel Lane

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

Alcohol Licenses

203. Metanoia LLC DBA Rapid Valley Carwash/Liquor Store, 3800 E Highway 44, for a Package Liquor License
205. Rapid City Area Chamber of Commerce for a Special Event Malt Beverage and Wine License for an event scheduled June 6, 2010 at Community Health Center of the Black Hills, 504 E Monroe Street
206. Rapid City Area Chamber of Commerce for a Special Event Malt Beverage and Wine License for an event scheduled July 13, 2010 at Ketel Thorstenson, 810 Quincy Street
207. Rapid City Area Chamber of Commerce for a Special Event Malt Beverage and Wine License for an event scheduled September 14, 2010 at Sam's Club, 1020 N. Lacrosse Street
208. Rapid City Area Chamber of Commerce for a Special Event Malt Beverage and Wine License for an event scheduled October 12, 2010 at Black Hills Regional Eye Institute, 2800 3rd Street
209. Elk Lodge #1187 for a Special Event Wine License for an event scheduled May 21 and 22, 2010 in a rail car near 5th Street and Omaha Street

2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals WITH Video Lottery

210. Robbinsdale Rec Center Inc. DBA Robbinsdale Rec Center, 805 E St. Patrick St., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
211. Continental Leisure Inc. DBA Carousel Casino, 2050 W Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
212. Nifty Fifties Inc. DBA Parkway Restaurant, 312 East Blvd. N, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
213. Wal-East Development Inc. DBA Jackpot Casino Too #2, 1415 N LaCrosse Street Ste. 3B, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
214. Wal-East Development Inc. DBA Jackpot Casino Too, 1415 N LaCrosse Ste. 3, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
215. Wal-East Development Inc. DBA Jackpot Casino East, 2708 E Hwy. 44, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
216. Wal-East Development Inc. DBA Jackpot Casino II, 685 C LaCrosse Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
217. Wal-East Development Inc. DBA Jackpot Casino, 685 LaCrosse Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
218. Wal-East Development Inc. DBA Jokers Casino South, 1320 Mt. Rushmore Rd. C, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
219. CHAS Inc. DBA Jackpot Casino West, 2144 Jackson Blvd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
220. CHAS Inc. DBA Jackpot West II, 2144 Jackson Blvd #4, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
221. Cortez LLC DBA Alex Johnson Hotel, 523 6th Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
222. Cimarron Casino Inc. DBA Royal Casino II, 2530 W Main Street Ste. II, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
223. Cimarron Casino Inc. DBA Main St. Gap Casino, 1727 W Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
224. Cimarron Casino Inc. DBA Chicago St. Casino, 3609 Sturgis Rd., for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
225. Cimarron Casino Inc. DBA Royal Casino I, 2530 W Main Street #1, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
226. Wyngard Pot-O-Gold Casino DBA Lucky D's Casino, 1330 E St. Patrick Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

227. Wyngard Pot-O-Gold Casino DBA Lucky D's Casino, 1330 E St. Patrick Street #2, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
228. Wyngard Pot-O-Gold Casino DBA Pot-O-Gold Casino, 1300 Centre Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
229. Robert Johnson DBA Canyon Lake Pub and Casino, 4116 Jackson Blvd. for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
230. Lybecks Twenty-First Century Inc. DBA Shenanigan's Casino, 3788 E Hwy. 44, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery
231. Lybecks Twenty-First Century Inc. DBA Shenanigan's Casino, 3788 E Hwy. 44, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery – INACTIVE
232. Shooters Inc. DBA Shooters, 2424 W Main Street, for a Retail (on-off sale) Malt Beverage License WITH Video Lottery

2010 – 2011 Retail (on-off sale) Malt Beverage License Renewals NO Video Lottery

233. Leading Edge Management DBA Buffalo Wings and Rings, 5622 Sheridan Lake Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
234. Charles J Desmond General Partnership DBA Ifrit's Hookah Lounge, 725 St. Joseph Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
235. Deadwood Outfitter Inc. DBA Deadwood Outfitter, 2820 Harley Dr., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
236. Black Hills QMG LLC DBA Qdoba Mexican Grill, 741 Mountain View Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
237. Unique Ink Promos Inc. DBA Unique Ink Promos, 3300 N Deadwood Ave., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
238. Gab Denk Kwak DBA Hana Restaurant, 2328 West Main, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
239. Atlantis LLC DBA Watiki Indoor Waterpark Resort, 1314 N Elk Vale Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
240. Barbecsul Inc. DBA Executive Golf Course, 200 12th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
241. Barbecsul Inc. DBA Sandtrap Grill and Bar, 3625 Jackson Blvd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery
242. Yeung Inc. DBA Imperial Chinese Restaurant, 702 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
243. Yeung Inc. DBA Great Wall Chinese Restaurant, 315 E North Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery

244. Late Harvest Inc. DBA Tally's Silver Spoon, 530 6th Street, for a Retail (on-off sale) Malt Beverage License NO Video Lottery
245. City of Rapid City DBA Rushmore Plaza Civic Center, 444 N Mt. Rushmore Rd., for a Retail (on-off sale) Malt Beverage License NO Video Lottery

2010 – 2011 Package (off-sale) Malt Beverage License Renewals

246. Moyle Petroleum Company DBA Common Cents #107, 4128 Canyon Lake Drive, for a Package (off-sale) Malt Beverage License
247. Moyle Petroleum Company DBA North Street Smoke Shop, 634 E North Street, for a Package (off-sale) Malt Beverage License
248. Moyle Petroleum Company DBA Common Cents Food Store, 1129 W. Omaha Street, for a Package (off-sale) Malt Beverage License
249. Moyle Petroleum Company DBA Common Cents Food Store, 2660 Mt. Rushmore Rd., for a Package (off-sale) Malt Beverage License
250. Moyle Petroleum Company DBA Common Cents Food Store, 1909 LaCrosse, for a Package (off-sale) Malt Beverage License
251. Moyle Petroleum Company DBA Common Cents – Sheridan Lake Rd., 2808 Sheridan Lake Rd., for a Package (off-sale) Malt Beverage License
252. Windsor Block Grocery Company DBA Windsor Block Grocery, 610 7th Street, for a Package (off-sale) Malt Beverage License

Other Items Requiring Public Hearings

253. No. PW042710-03 – Intent to enter into an agreement to Lease 80 Acres on North Elk Vale Road to Matt Kammerer for the Purposes of a Haying Operation Only Pursuant to SDCL 9-12-5.2.
254. No. PW042710-12 – Authorize Mayor and Finance Officer to Sign a Lease Agreement with Matt Kammerer for the Purposes of a Haying Operation for Property Located on North Elk Vale Road

END OF CONSENT PUBLIC HEARING CALENDAR

The Mayor presented (No. 10CA010) a request by Larry Nelson for an **Amendment to the Adopted Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Motion was made by Olson, second by Waugh and carried to continue the item to the June 7, 2010 City Council meeting.

The Mayor presented a request from MG Oil Company DBA Chances Casino, 1565 Haines Ave. Ste. D, for a Retail (on-off sale) Malt Beverage License TRANSFER from MG Oil Company DBA Warehouse Bar, 200 E. Main Street. Motion was made by Olson, second by Waugh and carried to acknowledge the applicant's request to withdraw the application.

The Mayor presented a request from Black Hills Workshop for a Special Event Malt Beverage and Wine License for an event scheduled July 24, 2010 at Canyon Lake Resort, 2720 Chapel Lane. Motion was

made by Olson, second by Waugh and carried to acknowledge the applicant's request to withdraw the application.

NON-CONSENT PUBLIC HEARING ITEMS – Items 255 – 262

The Mayor presented (No. 09PD096) An **Appeal of the Planning Commission's decision** on a request by FourFront Design, Inc. for Eagle Ridge Properties, LLC for a **Major Amendment to a Planned Residential Development** on Lots 2A and 2B of Block 1 of Black Hills Center, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 121 Stumer Road. Motion was made by Olson, second by Waugh, to approve with the following stipulations: 1. Prior to Planning Commission approval, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the construction plans shall be sealed and signed by a Professional Engineer. The red lined drawings shall also be returned to the Growth Management Office; 2. Prior to Planning Commission approval, a Fence Height Exception shall be obtained to allow a 6 foot high fence in lieu of a 4 foot high fence in the front yard as it abuts Stumer Road or the fence shall not exceed four feet within the front yard as it abuts Stumer. In addition, the fence shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Residential Development Plan; 3. The landscaping shall be planted in compliance with the approved landscaping plan and shall comply with all approved requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary. The applicant also has the option of placing the evergreen trees along the west lot line on the adjacent property with the adjacent property owner's concurrence. The landscaping placed on the adjacent property shall count towards the landscaping requirements for this project; however, the applicant is not required to provide maintenance of the landscaping placed on the adjacent property. Any change in the approved landscaping plan shall require a Major Amendment to the Planned Residential Development; 4. Construction of the fence shall begin within one week and shall be completed within 30 days of issuance of a building permit. In addition, all landscaping located along the west lot line shall be planted within 90 days of issuance of a building permit; 5. The retaining wall(s) shall be constructed in compliance with the approved design plans. In addition, the wall(s) shall be constructed at the start of construction for Phase Two; 6. 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; 7. Sediment and erosion control measures shall be continually maintained to preclude sediment from depositing onto the adjacent properties and/or rights-of-way. In addition, sediment and erosion control measures shall be maintained along the berm located along Catron Boulevard; 8. A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 9. The proposed apartment buildings shall not exceed 38 feet, 9 3/8 inches in height as per the previously approved Exception request; 10. All provisions of the Zoning Ordinance shall be met unless otherwise specifically authorized as a stipulation of this Major Amendment or a subsequent Major Amendment; 11. The dumpster(s) shall be screened on all four sides with an opaque screening fence; 12. A minimum of 231 parking spaces shall be provided with seven of the spaces being handicap accessible. In addition, one of the handicap spaces shall be "Van" accessible. A minimum of six 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; 13. The International Fire Code shall be continually met. In particular, fire hydrants shall be installed and operational prior to the issuance of a building permit and/or any construction on the site using combustible material(s). In addition, all weather access roads shall be constructed in compliance with the Street Design Criteria Manual in order to accommodate Fire Department apparatus. All of the residential dwelling units or structures shall be sprinklered; 14. A storm water discharge permit shall be obtained as needed; 15. A Permit to Work in the Right-of-way shall be obtained from the South Dakota Department of Transportation as needed; 16. The proposed structures shall conform architecturally to the proposed elevations, design plans and color palette submitted as part of this Major Amendment to the Planned Residential Development; and, 17. The Planned Residential Development shall allow for the construction

of a 154 unit apartment complex with a leasing/administration office, tot lots and accessory garages on the property. The time to complete the Planned Residential Development shall be extended two years from the date of approval by the Planning Commission. However, the Planned Residential Development shall expire if the use is not undertaken and completed within the two years or if the use as approved has ceased for two years. Responding to Kooiker, Elkins confirmed surety could be required as a condition of approval, but she is unable to think of another instance when it was required. Responding to Kooiker, Drew said their property manager addresses issues related to drug use on the premises. He said they may be given a warning but can be evicted. When asked if he would support surety, Drew said they provided small surety for phase one already, but he would support it.

Amendment motion was made by Kooiker, second by Martinson, to add stipulation 18 that prior to issuance of a building permit a surety bond is submitted to ensure installation of landscaping by October 1, 2010 and the cost of erosion control is included in the surety. It was clarified that the motion is to post surety for the landscaping requirements for phase two including the retaining wall, and the landscaping will not be installed in the construction area. Hadcock said it sounds good but it will not work in the end. Responding to Costello, Elkins said there is continuing obligation for erosion and sediment control. Amendment motion carried.

Responding to Olson, Drew said that the property manager evicts tenants if drugs are found, and Green explained that there is more ability on the private part to take action for a conviction. Regarding questions asked during the public hearing, Elkins said the only thing they could do is stabilize soils but they would not be allowed to do improvements. She also said phase one has been completed and there can be no development in the area without the approval for a major amendment to the planned development. As requested by Hadcock, Allender explained crime report. Hadcock suggested putting a park in the area and said it is about being a good neighbor. Martinson pointed out that Eagle Ridge is part of the neighborhood, and she wants to make sure this is fair for everyone. Weifenbach said they were forced into an issue that is not a good solution for the neighborhood. He discussed the area and said he wants commitment for added police presence for traffic issues. Kooiker asked for confirmation that police and the Mayor will address the traffic control issues, and Mayor Hanks said it is in process. The original motion carried as amended.

The Mayor presented (No. 10AN002) A request by Shawn Brinkman and Kurt Garlick for a **Petition for Annexation** on Lots 3M, 3P, 3Q and 3R and 3L revised of Melody Acres Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of S.D. Highway 44 and east of Valley Drive. Motion was made by Olson, second by Costello, to approve the request. Elkins indicated that this comes from the annexation committee as it was intended as part of the South Valley Drive annexation. Four lots were dropped from the description, and she indicated two property owners have agreed, one property owner indicated opposition and one did not respond. Elkins indicated that this went through the full process and it was intended for this property to be included as part of the annexation. Motion carried.

RESOLUTION #2010-067
A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 8.04 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lots 3M, 3P, 3Q, 3R, and 3L Revised of Melody Acres Subdivision, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 17th day of May, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Ordinance 5608 (No. 10RZ031) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by A request by Larry Nelson for a **Rezoning from Low Density Residential District to Medium Density Residential District** on all of Block 11 of Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 229 Lindbergh Avenue. Motion was made by Olson, second by Hadcock and carried to continue the second reading to the June 7, 2010 City Council meeting.

The Mayor presented (No. 10SE004) A request by Kent Brugger for a **Special Exception to the Flood Area Construction Regulations** on Tract 1 of Rapid City Greenway Tract located in Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Chapel Lane and Shore Drive. Motion was made by Olson, 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 by noon the next day and that a 24 hour contact number be provided by the applicant.

Motion was made by Olson, 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 curb, gutter, sidewalk, street light conduit, water and sewer along the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the Sheridan Lake Road as they abut Lot 14 of Feay Reder Subdivision, located in the N1/2 of the NW1/4, Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located along Sheridan Lake Road. (10SV005)

The Mayor presented (No. 10SV005) A request by Fisk Land Surveying & Consulting Engineers for Darryl Johnson for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, legally described as Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota, located at 9850 Sheridan Lake Road. Motion was made by Olson, second by Waugh and carried to approve the request with the following

stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest future assessments for the improvements.

Motion was made by Olson, 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 pavement along the alley right-of-way and to install street light conduit along Clark Street as they abut Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Clark Street. (10SV006)

The Mayor presented (No. 10SV006) A request by Doug Noyes for a **Variance to the Subdivision Regulations to waive the requirement to install pavement along the alley right-of-way and to install sidewalks along the north side of Clark Street and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Noyes Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots A, B, D & E of replat of Lot 13 of Block 31 of Boulevard Addition and a portion of Fairview Street Right-of-way, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Clark Street, west of 12th Street and the eastern terminus of Forest Hills Drive connecting with Clark Street. Motion was made by Olson, second by Waugh and carried that the City Council acknowledge the withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install sidewalks along the north side of Clark Street; and, that the Variance to the Subdivision Regulations to install pavement along the alley right-of-way and to install street light conduit along Clark Street as per Chapter 16.16 of the Rapid City Municipal Code 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 improvements.

BILLS

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

| | |
|---|---------------------|
| First Administrators, claims paid 05-05-10 | 74,809.33 |
| First Administrators, claims paid 05-12-10 | 57,534.89 |
| South Dakota Retirement Special Pay Plan, Paid 04-30-10 | 135.00 |
| Berkley Risk Administrators, Paid 05-03-10 | 39,864.07 |
| Montana Dakota Utilities, Paid 05-07-10 | 5,261.54 |
| West River Electric Association, Paid 05-11-10 | 31,021.75 |
| Black Hills Electric Coop, Paid 05-11-10 | 634.58 |
| US Bank, Paid 05-03-10 | 17,540.34 |
| Black Hills Power and Light, Paid 05-11-10 | 36,380.84 |
| Computer Bill List | <u>2,629,175.45</u> |
| Subtotal | 2,892,357.79 |
| | |
| City – Health Insurance Trust | 1,010.00 |
| City of Rapid City – Postage | 1.90 |
| Ikon Financial Services | 17.07 |
| Wright Express | 67.29 |
| Metropolitan Life Insurance Co. | <u>6.42</u> |
| | |
| Total | \$2,893,460.47 |

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

Motion was made by Costello, second by Waugh and carried to go into Executive Session at 9:52 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 11:22 P.M. with all members present.

STAFF DIRECTION

Motion was made by Waugh, second by Hadcock and carried to authorize the Mayor and City Finance Officer to sign an agreement with Wolff Plumbing and Heating.

Motion was made by Hadcock, second by Waugh, to direct the City Attorney to provide a copy of the memo to the Attorney General and request the Attorney General's opinion on the matter. It was clarified that this item will not be continued to Legal and Finance as previously discussed. Motion carried.

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 11:23 P.M.

ATTEST:

CITY OF RAPID CITY

Mayor

Finance Office

(SEAL)