

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 15, 2010

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 15, 2010 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bonny Petersen, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Ron Weifenbach.

Staff members present included Finance Officer Pauline Sumption, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Fire Chief Mike Maltaverne, Community Resources Director Jeff Barbier and Administrative Coordinator Sharlene Mitchell

ADOPTION OF AGENDA

The following item was added to the agenda

- Report on Ad Hoc Sign Committee Task Force

Motion was made by Davis, second by Waugh and carried to approve the agenda as amended.

APPROVE MINUTES

Motion was made by Costello, second by Hadcock and carried to approve the minutes of the November 1, 2010 regular Council meeting.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for November 2010 to Paul R. Hammett and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented a Certificates of Recognition to Jeffrey Larus, Growth Management Department, 20 years; and Michael Wright, Fire Department, 20 years; and Manual Davila, Civic Center, 30 years and acknowledged their dedicated service to the Rapid City community

Pat O'Neill presented Mayor Hanks with photographs of the Honor Flight thanking him for being an event guardian.

GENERAL PUBLIC COMMENT

No comments received.

NON-PUBLIC HEARING ITEMS -- Items 3 - 152

Motion was made by Mason, second by Costello and carried to open the public comment for Items 3 – 137. No comments received. Motion was made by Brown, second by Waugh and carried to close the public comment for Items 3 – 137.

CONSENT ITEMS – Items 3 – 128

The following items were removed from the Consent Items.

111. No. LF111010-12 - Request the Mayor appoint a committee consisting of elected officials and staff to work with the county and look at the City's options regarding the Pennington County Evidence Building project.

117. LF111010-01 - Acknowledge report of training and travel budget for Fire and Ambulance.
123. No. LF102710-13 – Approve Resolution (2010-148) to Establish Additional Staffing for the Parks and Recreation Department.
124. No. LF102710-14 – Approve Resolution (2010-149) to Establish the Position of Golf Course Concessions Supervisor.

Motion was made by Mason, second by Costello and carried to approve the following items as they appear on the Consent Items with the exception of Items 111, 117, 123 and 124.

Alcoholic Beverage License Applications Set for Hearing December 6, 2010

3. HK Buffet LLC DBA Coco Palace, 1900 N Maple Ave for Retail (on-off sale) Malt Beverage Transfer from Coco Palace LLC DBA Coco Palace, 1900 N Maple Ave.
4. HK Buffet LLC DBA Hong Kong Buffet, 927 E North Street for Retail (on-off sale) Malt Beverage Transfer from Li Zhu Zhu DBA Hong Kong Buffet, 927 E North Street
5. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Wine (New License for FY 2011)
6. Colt 45 Entertainment LLC DBA Divas-n-Rockstars Karaoke Nightclub, 2101 Mt Rushmore Road for Retail (on-off sale) Malt Beverage

Retail (on-sale) Liquor License Renewals for 2011

7. M. G. Oil Company DBA Clock Tower Lounge, 2525 West Main Street for Retail (on-sale) Liquor
8. Sanfords Grub & Pub South Dakota Inc DBA Sanford's Grub & Pub, 306 7th Street for Retail (on-sale) Liquor
9. Porter Apple Company Inc DBA Applebee's Neighborhood Grill & Bar, 2160 Haines Avenue for Retail (on-sale) Liquor
10. GMRI INC DBA Red Lobster #0460, 120 Disk Drive for Retail (on-sale) Liquor
11. Entertainment Inc DBA Robbinsdale Lounge, 801 E St Patrick Street for Retail (on-sale) Liquor
12. GMRI INC DBA The Olive Garden #1664, 160 Disk Drive for Retail (on-sale) Liquor
13. Fat Boy's Inc DBA Firehouse Brewing Co., 610 Main Street for Retail (on-sale) Liquor
14. Kurylas Inc. DBA Imperial Inn, 100 St Joseph Street for Retail (on-sale) Liquor
15. The Retired Enlisted Assoc Inc DBA Chapter #29, 1981 E Centre Street for Retail (on-sale) Liquor
16. Viper LLC DBA Quality Inn/Reunion Lounge, 1902 N LaCrosse Street for Retail (on-sale) Liquor
17. WR Rapid City Ventures LP DBA Minerva's Restaurant & Bar, 2211 N LaCrosse Street for Retail (on-sale) Liquor
18. Western Dakota Gaming Inc DBA Valley Sports Bar, 1865 S Valley Drive for Retail (on-sale) Liquor

19. RC Boston Company LLC DBA Boston's Restaurant & Sports Bar, 620 E Disk Drive for Retail (on-sale) Liquor
20. Karen J Schumacher DBA Brass Rail Lounge, 624 St Joseph Street for Retail (on-sale) Liquor
21. Retzel Inc DBA Cheers/Ramada Inn, 1721 N LaCrosse Street for Retail (on-sale) Liquor
22. Fresch Inc DBA Joes Place, 4302 S Hwy 79 for Retail (on-sale) Liquor
23. Outback Midwest II LP DBA Outback Steakhouse 665 E Disk Drive for Retail (on-sale) Liquor
24. Ugly Inc DBA Budd Ugly's, 321 7th Street for Retail (on-sale) Liquor
25. SoDak Mex I Inc DBA On The Border, 1331 E North Street for Retail (on-sale) Liquor
26. Michael O Wieseler DBA Horseshoe Bar, 1407 1/2 E North Street for Retail (on-sale) Liquor
27. A J Inc DBA Shotgun Willies, 2808 W Main Street for Retail (on-sale) Liquor
28. Hungrys Restaurants Inc DBA Marlins Roadhouse Grill, 2803 Deadwood Ave for Retail (on-sale) Liquor
29. Sioux Restaurants, LLC DBA TGI Friday's, 2205 N LaCrosse Street for Retail (on-sale) Liquor
30. LaCroix Investments Inc DBA Time Out Lounge, 615 E North Street for Retail (on-sale) Liquor
31. Derby Advertising Inc DBA Canyon Lake Chophouse, 2720 Chapel Lane for Retail (on-sale) Liquor
32. Atlantis LLC DBA Fairfield Inn & Suites by Marriott, 1314 N Elk Vale Road for Retail (on-sale) Liquor
33. Arnolds Inc DBA Buck-N-Gator, 4095 Sturgis Road for Retail (on-sale) Liquor
34. Tady LLC DBA Teddys Sports Grill, 826 Main Street for Retail (on-sale) Liquor
35. Shooters Inc DBA Shooters, 2504 W Main Street for Retail (on-sale) Liquor
36. Beshara Enterprises Inc DBA The Pirate's Table for Retail (on-sale) Liquor
37. Fox Family Enterprises Inc DBA Roadway Inn, 2208 Rushmore Road for Retail (on sale) Liquor
38. Arrowhead Country Club DBA Arrowhead Country Club, 3675 Sheridan Lake Road for Retail (on-sale) Liquor
39. American Legion DBA American Legion, 818 E St Patrick Street for Retail (on-sale) Liquor
40. Fraternal Order of Eagles DBA Rapid City Aerie No 3555, 1410 Centre Street for Retail (on-sale) Liquor
41. Dublin Square Inc DBA Dublin Square, 504 Mt Rushmore Road for Retail (on-sale) Liquor

Package (off-sale) Liquor License Renewals for 2011

42. Debra J Erickson DBA Corner Pantry – LaCrosse Street, 2130 LaCrosse Street for Package (off-sale) Liquor
43. Mills Drug Inc DBA Boyds Liquor Mart, 1424 Mt Rushmore Road for Package (off-sale) Liquor
44. B & L Inc DBA Boyds Liquor Mart, 2001 W Main Street for Package (off-sale) Liquor
45. B & L Inc DBA Boyds Liquor Mart, 909 E St Patrick Street for Package (off-sale) Liquor
46. Fat Boys Inc DBA Firehouse Brewing Co, 610 Main Street for Package (off-sale) Liquor
47. Staple & Spice Market Inc DBA Staple & Spice Market, 601 Mt Rushmore Road for Package (off-sale) Liquor
48. Retsel Corp DBA Ramada Inn (Package Store), 1721 N LaCrosse Street for Package (off-sale) Liquor
49. Fresh Start Convenience Stores Inc. DBA Ranch Mart, 520 Birch Ave for Package (off-sale) Liquor
50. Nauman Flying Service Inc DBA Autumn Hills Plaza Liquor, 5312 Sheridan Lake Rd #103 for Package (off-sale) Liquor
51. Carol Enterprises Inc DBA Valley Liquor, 747 Timmons Blvd for Package (off-sale) Liquor
52. Carol Enterprises Inc DBA Don's Valley Express #2, 3343 N Haines Ave for Package (off-sale) Liquor
53. Derby Advertising Inc DBA Canyon Lake Chophouse, 2720 Chapel Lane for Package (off-sale) Liquor
54. LaCroix Investments DBA Bus's Bottle Shop, 615 E North Street for Package (off-sale) Liquor
55. Safeway Stores 46 Inc DBA Safeway Store #581, 2120 Mt Rushmore Road for Package (off-sale) Liquor
56. Safeway Stores 46 Inc DBA Safeway Store #1554, 730 Mt View Road for Package (off-sale) Liquor
57. Sully Enterprises LLC DBA North Street Smoke Shop, 634 E North Street for Package (off-sale) Liquor
58. Sully Enterprises LLC DBA Common Cents, 2808 Sheridan Lake Road for Package (off-sale) Liquor
59. Nash Finch Company DBA Family Thrift Liquor #253, 1516 E St Patrick Street for Package (off-sale) Liquor
60. Nash Finch Company DBA Family Thirft Center #254, 855 Omaha Street for Package (off-sale) Liquor
61. Nash Finch Company DBA Prairie Bottle Market #43, 13 New York Street for Package (off-sale) Liquor
62. Nash Finch Company DBA FTC Express #257, 3460 Sturgis Road for Package (off-sale) Liquor

63. Nash Finch Company DBA Family Thrift Center #265, 751 Mountain View Road for Package (off-sale) Liquor
64. Bach Investment Inc DBA Hideaway Casino, 1575 N LaCrosse St, Suite D for Package (off-sale) Liquor
65. Yellow Robe Enterprises LLC DBA Dacotah Liquors, 418 Knollwood Dr for Package (off-sale) Liquor
66. Sam's West Inc DBA Sam's Club #6565, 1020 LaCrosse Street for Package (off-sale) Liquor
67. Canyon Lake Liquors LTD DBA Canyon Lake Liquors, 4244 Canyon Lake Drive for Package (off-sale) Liquor
68. Orris Enterprises Inc DBA Vino 100 & Tinder Box, 520 7th Street #520 for Package (off-sale) Liquor
69. Simth's Liquor Gallery Inc DBA Smith's Liquor Gallery, 2218 Jackson Blvd Suite 1 for Package (off-sale) Liquor
70. Lily Corp DBA Flowers by LeRoy, 2016 W Main Street for Package (off-sale) Liquor
71. Dakotas Best & Brown Bag Deli Inc DBA Dakota's Best & Brown Bag Deli, 818 Main Street for Package (off-sale) Liquor

Retail (on-off sale) Wine License Renewals for 2011

72. Yeung Inc DBA Imperial Chinese Restaurant, 702 E North Street for Retail (on-off sale) Wine
73. WR Rapid City Ventures LP DBA OakLeaf Beer Graden, 2213 LaCrosse Street for Retail (on-off sale) Wine
74. Black Hills Coffee Company DBA Black Hills Coffee, 5955 S Highway 16 #G for Retail (on-off sale) Wine
75. Dadah Kids Corp DBA Pauly's Pizzeria & Sub Co, 1624 E St Patrick Street #101 for Retail (on-off sale) Wine
76. Late Harvest Inc DBA Tally's Silver Spoon, 530 6th Street for Retail (on-off sale) Wine
77. Mai T Goodsell DBA Saigon Restaurant, 221 E North Street for Retail (on-off sale) Wine
78. Leather Unlimited Inc DBA Someone's In The Kitchen, 2210 Haines Ave for Retail (on-off sale) Wine
79. Wine Cellar Restaurant LLC DBA Wine Cellar Restaurant, 513 6th Street for Retail (on-off sale) Wine
80. Century Motels Inc DBA Howard Johnson Express Inn & Suites, 950 North Street for Retail (on-off sale) Wine
81. Linda & Frank Morrison DBA Thirstys, 819 Main Street for Retail (on-off sale) Wine
82. Rapid City Arts Council Inc DBA Dahl Arts Center, 713 7th Street for Retail (on-off sale) Wine

83. Lisa Holbrook DBA The Beanery, 201 Main Street for Retail (on-off sale) Wine
84. HK Buffet LLC DBA Coco Palace, 1900 N Maple Ave for Retail (on-off sale) Wine
85. Bully Blends Coffee & Tea Inc DBA Bully Blends Coffee & Tea Shop, 908 Main Street for Retail (on-off sale) Wine
86. Botticellis Ristorante Italiano Inc DBA Botticellis Ristorante Italiano, 523 Main Street for Retail (on-off sale) Wine
87. Black Hills Beau Jo's LLC DBA Beau Jo's Pizza, 2520 W Main Street for Retail (on-off sale) Wine
88. Piesano's Pacchia Inc DBA Piesano's Pacchia, 3618 Canyon Lake Dr #121 for Retail (on-off sale) Wine
89. Delmonico Grill Inc DBA Delmonico Grill, 609 Main Street for Retail (on-off sale) Wine
90. Orris Enterprises Inc DBA Vino 100 & Tinder Box, 520 7th Street for Retail (on-off sale) Wine
91. S & Y Inc DBA Golden Phoenix Restaurant, 2421 W Main Street for Retail (on-off sale) Wine
92. Golden Fortune Inc DBA Golden Fortune Inc, 1118 East North Street for Retail (on-off sale) Wine
93. Mae Jean Adams DBA The Corn Exchange, 727 Main Street for Retail (on-off sale) Wine

Public Works Committee Consent Items

94. No. PW101210-01 – Approve recommendation that a board of free holders be appointed to establish the value of the property for a request from Bobbi Jo Bradford regarding the possibility of acquiring City property located next to 4507 South Canyon Road.
95. No. PW092810-02 – Acknowledge Report on Payment Approval Procedures.
96. No. PW110910-01 – Refer to the CIP Committee the Status of Reconstruction of Saint Andrew and Saint Charles Streets, east of 5th Street for the remaining portion of Saint Charles Street from 5th Street to Elm Street.
97. No. PW110910-02 – Authorize the Public Works Director to Sign Application for Tax Increment Financing for Reallocation of Tax Increment District No. 42 Costs.
98. No. PW110910-03 – Approve Change Order No. 1F to Simon Contractors of SD, Inc. for 2010 Out of the Dust Project, Project No. ST10-1897 / CIP No. 50297, for a decrease of \$5,685.80.
99. No. PW110910-04 – Approve Change Order No. 1F to KRM Concrete LLC for Parkview Drive Storm Inlet Construction, Project No. DR10-1847 / CIP No. 50787, for a decrease of \$482.71.
100. No. PW110910-05 – Approve Change Order No. 1F to Lipp Construction, Inc. for Transit Shelters Installation, Project No. TS10-1895 / CIP No. 50779, for an increase of \$1,076.00.
101. No. PW110910-06 – Approve Change Order No. 1F to J&J Asphalt for PCC-7th Street & Kansas City Street Overlay, Project No. ST10-1880 / CIP No. 50445, for an increase of \$5,564.20.

102. No. PW110910-08 – Authorize Staff to Advertise for Bids for Corral Drive and Sheridan Lake Road Watermain Reconstruction, Project No. W10-1882 / CIP No. 50816. Estimated cost: \$925,000.00.
103. No. PW110910-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement with SD Department of Transportation for the Jackson Boulevard Utilities Reconstruction, Rapid Creek to Mountain View Road, SDDOT Project P 0044(129)42, PCN 00X9-SD44, City Project No. SSW09-1509 / CIP No. 50351. (Change in acreage from 469 sq ft more or less to 628 sq ft more or less for Parcel 8.)
104. No. PW110910-12 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement Between the City of Rapid City and The Evangelical Lutheran Good Samaritan Society regarding the design, construction, and dedication of land for a water reservoir, water transmission main, and booster station; North Pinedale Water Storage Reservoir, Project No. W10-1890 / CIP No. 50832.
105. No. PW110910-13 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with FMG, Inc. for Dakota Drive Watermain Reconstruction, Project No. W10-1894 / CIP No. 50399, in the amount of \$48,707.00.
106. No. PW110910-14 – Authorize Mayor and Finance Officer to Sign a Purchase Agreement with South Dakota Game Fish & Parks for purchase of Fish Hatchery property, Jackson Springs Water Treatment Plant Project, in the amount of \$155,800.00.
107. No. PW110910-15 – Authorize acceptance of permanent and temporary easements for construction of the Jackson Springs Water Treatment Plant and related improvements, Project No. WTP-1858 / CIP No. 50789.
108. No. PW110910-16 – Authorize Staff to seek proposals for engineering services for a multi-area sanitary sewer inflow and infiltration study, Project No. SS10-1919 / CIP No. 50849. Estimated cost: \$225,000.00.
109. No. PW102610-16 – Acknowledge the Report on Residential Construction Backfill Requirements.
110. No. PW110910-17 – Approve Change Order No. 001 for Mt. View and Mt. Calvary Cemeteries Irrigation System, Phase 3, Project PR09-6010 to Second Nature, for an increase of \$2,685.00.

Legal & Finance Committee Consent Items

112. CC111510-04 - City Report Card
113. No. LF111010-10 – Confirm appointment of Ron Blum to replace Jim Mann as the non-governmental utility company employee representative on the Rapid City Trenching Board to serve the unexpired portion of the term which will expire on December 31, 2011.
114. No. LF111010-11 – Confirm appointment of David C. Bartsch, MD to replace Jeni Leberknight as the Rapid City Area Air Quality Board Business Community Representative to the Rapid City Area Air Quality Board whose term will expire on August 31, 2013.
115. No. LF102710-01 – Approve 2012 Committee funding recommendations.
116. No. LF111010-09 – Request the Mayor to direct the City Attorney's office to prepare an ordinance to authorize the use of teleconference for public meetings.

118. No. 02TI003 – Approve Resolution No. 2010-160 to Dissolve Tax Increment Financing District No. 36 Located North of I-90 to Northridge Subdivision and from the East Property Boundary of Lowe's Subdivision to Bunker Drive.

RESOLUTION NO. 2010-160
A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER THIRTY SIX

WHEREAS, the City of Rapid City created Tax Increment District Number Thirty Six on October 16, 2002; and

WHEREAS, there are no longer any reimbursable project costs remaining to be paid; and

WHEREAS, the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46 (2),

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Thirty Six be and is hereby dissolved.

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Thirty Six Special Fund, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 15th day of November, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

119. No. 10TP030 – Approve final 2011 Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization.

120. No. 10TP026 - Authorize Mayor and Finance Officer to sign the Professional Services Agreement with Felsburg Holt & Ullevig for the Arterial Street Safety Study in an amount not to exceed \$81,900.

121. No. LF111010-03 – Approve Resolution No. 2010-153 Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION #2010-153
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 15th day of November, 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on 20th day of December, 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 15th day of November, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

122. Acknowledge the following volunteers for workmen’s compensation purposes: Patricia Forget, Laurie Hayes, Tyler Hiatt, Karen Hoffman, Theresa Miller, Jacquie Tropole.

125. No. LF111010-04 – Approve 2010-2011 Deer Management Program.

126. No. LF111010-06 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and Zandstra Construction to Allow for Acceptance of Public Improvements before the Completion of Sidewalks for Elks Country Estates Subdivision.

127. No. LF111010-07 – Acknowledge raffle request from Western Dakota Tech Health Awareness Club.

128. No. LF111010-08 – Acknowledge raffle request from American Advertising Federation.

END OF CONSENT CALENDAR

Motion was made by Hadcock, second by Waugh and carried to (No. LF111010-12) Request the Mayor appoint a committee consisting of elected officials and staff to work with the county and look at the City’s options regarding the Pennington County Evidence Building project and to confirm the appointment of the following individuals to the Ad Hoc Pennington County Evidence Building Project Committee: Steve Allender, Kevin Thom, Jeff Barbier, Dale Tech and Ron Kroeger.

Motion was made by Hadcock, second by Waugh to (LF111010-01) Acknowledge report of training and travel budget for Fire and Ambulance and to approve the \$9,800 expended for fire and ambulance training.

Motion was made by Hadcock, second by Mason and carried to continue (No. LF102710-13) Approve Resolution (2010-148) to Establish Additional Staffing for the Parks and Recreation Department and (No. LF102710-14) Approve Resolution (2010-149) to Establish the Position of Golf Course Concessions Supervisor to the December 6, 2010 Council meeting.

CONTINUED CONSENT ITEMS – Items 127 137

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

Continue the following items until December 6, 2010:

129. No. 08PL145 – A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** for 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.
130. No. 10PL033 – A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Preliminary Plat** for Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
131. No. 10PL050 – A request by Davis Engineering, Inc. for a **Preliminary Plat** for Lots 1R, 9, 10 and 11 of Block 8 and Lots 3, 4, 5 and 6 of Block 10 of Murphy Ranch Estates Subdivision of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located east of Reservoir Road and on the south side of Long View Road.
132. No. 10PL061 – A request by Dream Design International, Inc. for a **Preliminary Plat** for Lots 1 and 2 of Block 1 of Gateway Business Park Subdivision located in the W1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 and a portion of Lot E of the S1/2 of the SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between East Mall Drive and Interstate 90 at the southern terminus of Dakota Craft Drive.
133. No. 10PL062 – A request by D.C. Scott Co. Land Surveyors for Kelly Flannery for a **Layout Plat** for Lots 2 and 3 of Flannery Subdivision, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, legally described as a portion of Lot 1 of the SE1/4 SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, located south side of Sheridan Lake Road between Dunsmore Road and Croyle Avenue.
134. No. 10PL066 – A request by Renner & Associates, LLC for Skyline Pines East Land Co. for a **Preliminary Plat** for Tract 1, Lot 19, and dedicated Fairmont Boulevard Right-of-way of Skyline Pines East Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current western terminus of Fairmont Boulevard west of Mt. Rushmore Road.
135. No. 10PL075 – A request by Dream Design International for a **Preliminary Plat** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, located at 23299 South Airport Road.
136. No. 10PL077 – A request by Bryan Vulcan for Ian and Amanda Vidinha for a **Layout Plat** for proposed Lot 89 of Canyon Springs Preserve, legally described as that part of Common Lot 1 of Block 1 of Canyon Springs Preserve located in the NE1/4 SW1/4, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located northwest of the intersection of Nemo Road and North Emerald Ridge Road.

Continue the following items until December 20, 2010:

137. No. 10PL028 – A request by Dream Design International, Inc. for a **Preliminary Plat** for Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 138 – 152

Motion was made by Waugh, second by Costello and carried to open the public comment for Items 138 – 152. No comments were received. Motion was made by Costello, second by Petersen and carried to close the public comment for Items 138 – 152.

Ordinances

Ordinance No. 5694 (No. 10RZ049) 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 General Agriculture District to Flood Hazard District** of a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeasterly corner of Lot 2 of Orchard Subdivision, common to the northeasterly corner of Lot 3J of Melody Acres Subdivision and Lot 3H less the W79' of Lot 3H of Melody Acres Subdivision, the point of beginning; Thence N0°2'0"W, a distance of 20.46 feet; Thence S42°52'31"E, a distance of 71.67 feet; Thence S70°36'47"E, a distance of 47.38 feet; Thence S59°13'5"E, a distance of 94.02 feet; Thence S39°3'44"E, a distance of 32.73 feet; Thence S39°3'44"E, a distance of 6.03 feet; Thence S39°3'49"E, a distance of 106.07 feet; Thence S89°57'39"E, a distance of 110.25 feet; Thence S2°42'7"W, a distance of 10.38 feet; Thence S6°13'1"W, a distance of 220.86 feet; Thence S10°26'34"W, a distance of 306.60 feet; Thence S10°38'44"W, a distance of 700.48 feet; Thence N32°24'43"W, a distance of 185.04 feet; Thence N31°59'11"W, a distance of 89.30 feet; Thence N37°37'20"W, a distance of 26.43 feet; Thence N0°19'21"W, a distance of 105.75 feet; Thence N0°3'57"W, a distance of 24.01 feet; Thence N0°3'43"W, a distance of 31.89 feet; Thence N0°18'0"W, a distance of 464.35 feet; Thence N0°18'0"W, a distance of 21.15 feet; Thence N0°1'50"W, a distance of 21.51 feet; Thence N88°47'11"E, a distance of 0.03 feet; Thence N88°30'38"E, a distance of 12.10 feet; Thence N88°28'10"E, a distance of 8.62 feet; Thence N88°28'16"E, a distance of 48.97 feet; Thence N62°1'23"E, a distance of 45.14 feet; Thence N77°49'38"E, a distance of 15.17 feet; Thence N85°50'11"E, a distance of 20.69 feet; Thence S87°17'27"E, a distance of 15.59 feet; Thence N79°6'18"E, a distance of 10.37 feet; Thence N62°16'26"E, a distance of 15.34 feet; Thence N47°25'53"E, a distance of 15.50 feet; Thence N41°3'14"E, a distance of 11.36 feet; Thence N7°38'34"E, a distance of 65.81 feet; Thence N24°20'41"W, a distance of 19.19 feet; Thence N29°55'23"W, a distance of 15.91 feet; Thence N36°0'45"W, a distance of 15.58 feet; Thence N23°44'37"W, a distance of 15.70 feet; Thence N8°50'50"W, a distance of 15.50 feet; Thence N1°22'58"W, a distance of 25.76 feet; Thence N1°51'59"E, a distance of 51.28 feet; Thence N5°38'59"E, a distance of 37.97 feet; Thence N59°6'53"W, a distance of 213.86 feet; Thence N0°1'46"W, a distance of 26.4 feet; Thence N0°2'1"W, a distance of 61.87 feet, to the Point of Beginning, located south of Orchard Lane, east of Melody Lane and west of Elk Vale Road. Motion was made by Hadcock, second by Waugh that Ordinance No. 5694 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 6, 2010. In response to question from Kooiker, Elkins indicated that Items 138-142 are private properties that are being rezoned in accordance with zoning and floodplain requirements. Elkins stated that the County has similar floodplain regulations noting that the rezoning will bring the floodplain designation to public attention. In response to a question from Kooiker, Elkins indicated that Pennington County Equalization would review the property assessments. Elkins indicated that a public hearing had been held to advise the property owners of the rezoning noting that individual property owners have approached the City with requests that the City purchase their properties. Motion carried.

Ordinance No. 5696 (No. 10RZ051) 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 Flood Hazard District** of Lot A, Watco Subdivision, located in Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°49'47"E, a distance of 267.39 feet, to the Point of Beginning; Thence N27°19'59"W, a distance of 41.2 feet; Thence N48°37'18"W, a distance of 52.63 feet; Thence N45°34'10"W, a distance of 46.47 feet; Thence N50°3'48"W, a distance of 45.39 feet; Thence N50°3'48"W, a distance of 8.88 feet; Thence N57°6'52"W, a distance of 32.34 feet; Thence N49°19'19"W, a distance of 48.49 feet; Thence N49°19'19"W, a distance of 28.29 feet; Thence N46°0'51"W, a distance of 37.48 feet; Thence N50°3'44"W, a distance of 67.83 feet; Thence N56°26'49"W, a distance of 47.61 feet; Thence N70°17'17"W, a distance of 60.3 feet; Thence N77°50'13"W, a distance of 32.62 feet; Thence N77°50'13"W, a distance of 23.48 feet; Thence N71°11'49"W, a distance of 18.64 feet; Thence N71°11'49"W, a distance of 23.58 feet; Thence N67°41'4"W, a distance of 16.94 feet; Thence N67°41'4"W, a distance of 3.95 feet; Thence N67°41'4"W, a distance of 8.62 feet; Thence N47°5'21"W, a distance of 1.68 feet; Thence N0°2'51"E, a distance of 21.56 feet; Thence N0°3'8"E, a distance of 145.14 feet; Thence N0°3'6"E, a distance of 29.28 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'5"E, a distance of 116.19 feet; Thence N0°3'25"E, a distance of 14.64 feet; Thence N0°3'0"E, a distance of 14.64 feet; Thence N0°3'3"E, a distance of 80.62 feet; Thence N0°3'9"E, a distance of 31.86 feet; Thence N0°3'7"E, a distance of 35.27 feet; Thence N0°3'7"E, a distance of 140.31 feet; Thence N82°40'40"E, a distance of 8.50 feet; Thence S84°19'25"E, a distance of 119.91 feet; Thence S87°35'57"E, a distance of 117.28 feet; Thence S83°0'42"E, a distance of 92.43 feet; Thence S82°22'58"E, a distance of 62.46 feet; Thence S88°43'21"E, a distance of 48.28 feet; Thence S83°8'37"E, a distance of 84.02 feet; Thence S47°5'22"E, a distance of 61.15 feet; Thence S24°4'7"E, a distance of 106.77 feet; Thence S17°9'25"E, a distance of 32.12 feet; Thence S38°30'23"E, a distance of 37.57 feet; Thence S54°1'34"E, a distance of 36.35 feet; Thence S63°42'22"E, a distance of 38.06 feet; Thence S63°56'50"E, a distance of 32.92 feet; Thence S65°5'37"E, a distance of 40.16 feet; Thence S54°20'28"E, a distance of 52.93 feet; Thence S49°26'2"E, a distance of 65.36 feet; Thence S53°30'18"E, a distance of 47.84 feet; Thence S58°48'44"E, a distance of 48.06 feet; Thence S56°4'38"E, a distance of 46.65 feet; Thence S85°21'20"E, a distance of 42.93 feet; Thence S88°43'21"E, a distance of 57.98 feet; Thence S85°23'5"E, a distance of 47.88 feet; Thence S58°52'1"E, a distance of 75.61 feet; Thence S46°26'55"E, a distance of 36.52 feet; Thence S42°40'43"E, a distance of 33.73 feet; Thence S0°12'24"W, a distance of 17.84 feet; Thence S0°12'23"W, a distance of 60.05 feet; Thence S0°12'38"W, a distance of 25.62 feet; Thence S58°52'29"E, a distance of 207.57 feet; Thence S5°53'23"W, a distance of 36.85 feet; Thence S2°6'23"W, a distance of 49.77 feet; Thence S1°8'34"E, a distance of 25.00 feet; Thence S8°36'26"E, a distance of 15.05 feet; Thence S23°30'13"E, a distance of 15.24 feet; Thence S35°46'21"E, a distance of 15.13 feet; Thence S29°40'59"E, a distance of 15.45 feet; Thence S24°6'17"E, a distance of 18.63 feet; Thence S7°52'58"W, a distance of 63.88 feet; Thence S41°17'38"W, a distance of 11.02 feet; Thence S47°40'17"W, a distance of 15.05 feet; Thence S62°30'50"W, a distance of 14.89 feet; Thence S79°20'42"W, a distance of 10.07 feet; Thence N87°3'3"W, a distance of 15.13 feet; Thence S86°4'35"W, a distance of 20.08 feet; Thence S78°4'2"W, a distance of 14.72 feet; Thence S62°15'47"W, a distance of 43.81 feet; Thence S88°42'40"W, a distance of 47.53 feet; Thence S88°42'34"W, a distance of 8.37 feet; Thence S88°45'2"W, a distance of 11.74 feet; Thence S89°1'36"W, a distance of 0.03 feet; Thence S0°12'34"W, a distance of 20.88 feet; Thence S0°3'36"E, a distance of 471.22 feet; Thence S0°10'41"W, a distance of 30.95 feet; Thence N62°50'7"W, a distance of 265.43 feet; Thence N61°50'6"W, a distance of 22.72 feet; Thence N62°45'12"W, a distance of 166.15 feet; Thence N62°45'27"W, a distance of 41.57 feet; Thence N22°6'51"W, a distance of 44.54 feet; Thence N23°14'16"W, a distance of 87.70 feet; Thence N34°1'57"W, a distance of 7.61 feet; Thence N34°2'17"W, a distance of 72.57 feet; Thence N34°2'23"W, a distance of 29.20 feet; Thence N34°2'16"W, a distance of 64.17 feet; Thence S89°49'40"W, a distance of 147.14 feet, to the Point of

Beginning, located west of Elk Vale Road, east of South Valley Drive between Orchard Lane and Scott Street. Motion was made by Hadcock, second by Brown and carried that Ordinance No. 5696 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 6, 2010.

Ordinance No. 5697 (No. 10RZ052) 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 Mobile Home Residential District to Flood Hazard District** of a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, Thence N89°35'42"E, a distance of 275.506 feet, to the Point of Beginning; Thence N89°34'29"E, a distance of 114.623 feet; Thence N89°35'30"E, a distance of 35.008 feet; Thence N89°32'40"E, a distance of 1.957 feet; Thence S34°16'40"E, a distance of 66.118 feet; Thence S34°16'47"E, a distance of 30.08 feet; Thence S34°16'41"E, a distance of 74.766 feet; Thence S34°16'20"E, a distance of 7.841 feet; Thence S23°6'1"E, a distance of 91.574 feet; Thence S23°5'50"E, a distance of 44.668 feet; Thence S62°59'51"E, a distance of 42.824 feet; Thence S62°59'36"E, a distance of 171.187 feet; Thence S63°3'4"E, a distance of 6.733 feet; Thence S62°59'41"E, a distance of 17.66 feet; Thence S62°59'43"E, a distance of 272.49 feet; Thence S0°3'57"E, a distance of 24.008 feet; Thence S0°18'48"E, a distance of 105.73 feet; Thence N37°37'20"W, a distance of 45.453 feet; Thence N48°21'41"W, a distance of 69.026 feet; Thence N56°19'31"W, a distance of 82.587 feet; Thence N67°6'20"W, a distance of 123.553 feet; Thence N72°27'9"W, a distance of 101.734 feet; Thence N41°48'54"W, a distance of 101.977 feet; Thence N55°26'11"W, a distance of 123.248 feet; Thence N69°45'34"W, a distance of 24.993 feet; Thence N83°51'7"W, a distance of 33.268 feet; Thence N52°11'37"W, a distance of 37.296 feet; Thence N57°37'27"W, a distance of 52.039 feet; Thence N47°17'28"W, a distance of 31.032 feet; Thence N41°43'55"W, a distance of 34.971 feet; Thence N26°10'27"W, a distance of 40.358 feet; Thence N8°9'47"W, a distance of 67.685 feet; Thence N20°43'29"W, a distance of 34.975 feet; Thence N25°31'42"W, a distance of 27.14 feet; Thence N27°34'23"W, a distance of 12.229 feet, to the point of beginning, located west of Elk Vale Road, east of South Valley Drive between Melody Lane and Scott Street. Motion was made by Hadcock, second by Waugh and carried that Ordinance No. 5697 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 6, 2010.

Ordinance No. 5698 (No. 10RZ053) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** of a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 5 of Melody Acres Subdivision, Thence N00°00'43"E, a distance of 57.45 feet, the Point of Beginning; Thence N0°0'44"E, a distance of 162.84 feet; Thence N0°0'42"E, a distance of 73.27 feet; Thence N89°58'50"W, a distance of 250.12 feet; Thence N0°2'31"E, a distance of 124.99 feet; Thence S47°5'21"E, a distance of 1.71 feet; Thence S67°41'4"E, a distance of 8.62 feet; Thence S67°41'4"E, a distance of 20.89 feet; Thence S71°11'49"E, a distance of 23.58 feet; Thence S71°11'49"E, a distance of 18.64 feet; Thence S77°50'13"E, a distance of 56.10 feet; Thence S70°17'17"E, a distance of 60.30 feet; Thence S56°26'49"E, a distance of 47.61 feet; Thence S50°3'44"E, a distance of 39.42 feet; Thence S50°3'44"E, a distance of 28.41 feet; Thence S46°0'51"E, a distance of 37.48 feet; Thence S49°19'19"E, a distance of 76.77 feet; Thence S57°6'52"E, a distance of 32.34 feet; Thence S50°3'48"E, a distance of 54.27 feet; Thence S45°34'10"E, a distance of 46.47 feet; Thence S48°37'18"E, a distance of 52.63 feet; Thence S27°19'59"E, a distance of 41.20 feet; Thence S89°49'46"W, a distance of 267.39 feet, to the Point of Beginning, located south of Melody Lane, North of Terra Street and east of South Valley Drive. Motion was made by Hadcock, second by Kroeger and carried that Ordinance No. 5698 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 6, 2010.

Ordinance No. 5699 (No. 10RZ054) First Reading, Ordinance 5699, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** of a portion of the SW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southeast corner of Lot 2 of Orchard Subdivision, thence N0°02'00"W, a distance of 469.7 feet, Thence N82°0'00"W, a distance of 175.5 feet, to the point of beginning; Thence S0°1'59"E, a distance of 174.25 feet; Thence S0°0'11"E, a distance of 206.66 feet; Thence N89°6'47"W, a distance of 46.76 feet; Thence N85°44'46"W, a distance of 43.99 feet; Thence N56°28'4"W, a distance of 47.80 feet; Thence N59°12'10"W, a distance of 49.24 feet; Thence N53°53'44"W, a distance of 10.61 feet; Thence N53°53'44"W, a distance of 38.41 feet; Thence N49°49'28"W, a distance of 66.97 feet; Thence N54°43'54"W, a distance of 54.24 feet; Thence N65°29'3"W, a distance of 41.15 feet; Thence N64°20'16"W, a distance of 33.73 feet; Thence N64°5'48"W, a distance of 39.00 feet; Thence N54°25'0"W, a distance of 37.25 feet; Thence N38°53'49"W, a distance of 38.50 feet; Thence N17°32'51"W, a distance of 32.91 feet; Thence N24°27'33"W, a distance of 25.06 feet; Thence N24°27'33"W, a distance of 36.59 feet; Thence N24°27'33"W, a distance of 15.41 feet; Thence N24°27'33"W, a distance of 32.35 feet; Thence N47°28'48"W, a distance of 62.66 feet; Thence N83°32'3"W, a distance of 86.09 feet; Thence N89°6'47"W, a distance of 49.48 feet; Thence N82°46'24"W, a distance of 64.00 feet; Thence N83°24'8"W, a distance of 94.71 feet; Thence N87°59'23"W, a distance of 90.26 feet; Thence N87°59'25"W, a distance of 29.92 feet; Thence N84°42'51"W, a distance of 122.87 feet; Thence S82°21'25"W, a distance of 8.71 feet; Thence N0°27'58"W, a distance of 1.82 feet; Thence N0°20'19"W, a distance of 83.27 feet; Thence N7°47'29"W, a distance of 16.18 feet; Thence S81°32'46"E, a distance of 545.36 feet; Thence S81°36'6"E, a distance of 579.72 feet; Thence S0°15'20"W, a distance of 15.64 feet; Thence S0°1'58"E, a distance of 16.18 feet, to the Point of Beginning, located south of Orchard Lane, east of South Valley Drive, north of Melody Lane and west of Elk Vale Road. Motion was made by Hadcock, second by Petersen and carried that Ordinance No. 5699 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 6, 2010.

Ordinance No. 5684 (No. LF102710-08) An Ordinance Regarding Supplemental Appropriation #1 for 2011 having passed its first reading on November 1, 2010; motion was made by Hadcock, second by Costello, that the title be read the second time. Upon vote being taken, the following voted AYE: Bonny Petersen, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason ; NO: None; whereup the Mayor declared the motion passed and Ordinance No. 5684 was declared duly passed upon its second reading.

Ordinance No. 5686 (No. LF102710-15) An Ordinance To Provide Free Parking at Certain Times in the Leased Parking Zone by Amending Subsection 10.44.010(C) of the Rapid City Municipal Code having passed its first reading on November 1, 2010; motion was made by Hadcock, second by Davis, that the title be read the second time. In response to a question from Costello, Ellis indicated that the City Traffic Engineer and Dan Senftner would review the parking lots to determine the appropriate signage locations. Upon vote being taken, the following voted AYE: Bonny Petersen, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason ; NO: None; whereup the Mayor declared the motion passed and Ordinance No. 5686 was declared duly passed upon its second reading.

Ordinance No. 5685 (No. LF102710-16) An Ordinance Adjusting the Rates Charged for On-Site Waste Water System Permits and Extending the Length of the Permits by Amending Section 13.09.800 of the Rapid City Municipal Code having passed its first reading on November 1, 2010; motion was made by Hadcock, second by Waugh, that the title be read the second time. Upon vote being taken, the following voted AYE: Bonny Petersen, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason ; NO: None; whereup the Mayor declared the motion passed and Ordinance No. 5685 was declared duly passed upon its second reading.

Motion was made by Hadcock, second by Costello to deny (No. LF092910-27) Second Reading, Ordinance No. 5675, An Ordinance Establishing a One Hundred Foot Buffer Zone between Malt Beverage Retailer Establishments with Video Lottery and Wine Retailer Establishments with Video Lottery and Residential Zoned Property by Adding Chapter 5.12.095 to the Rapid City Municipal Code. Kooiker requested that the item be continued to after the holidays to allow for further clarification of the ordinance definitions. Kooiker indicated that there is public support for the ordinance. Brown indicated that he also felt the ordinance did have merit noting that the ordinance would be of advantage to the general public. A substitute motion was made by Petersen, second by Kooiker to continue to the January 18, 2011 Council meeting. Discussion continued regarding the merit and legal benefits of the proposed ordinance. In response to a question from Hadcock, Petersen indicated that the continuance would give the Council additional time to study the issue. Motion carried.

Growth Management Department Items

Motion was made by Hadcock, second by Waugh and carried to approve (No. 10PL076) A request by Dream Design International, Inc. for a **Preliminary Plat** for proposed Lots 1 and 2 of Baxter Subdivision, legally described as a parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle with the following stipulations: 1. Prior to City Council approval of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the applicant's site plan shall be revised to clearly delineate the distance between the drainfield and the proposed lot line to insure that a minimum 10 foot setback is being provided or a Variance shall be obtained from the South Dakota Department of Environment and Natural Resources; 2. Prior to City Council approval of the Preliminary Plat, 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; 3. Prior to City Council approval of the Preliminary Plat, construction plans shall be submitted for review and approval for Pioneer Circle showing the street constructed with a minimum 27 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 4. 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; 5. 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; 6. Prior to submittal of a Final Plat application, an Operating Permit shall be obtained for the existing septic system located on proposed Lot 1 in accordance with Pennington County's On-site Wastewater Treatment Systems Ordinance; 7. Prior to City Council approval of the Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted 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.

Legal & Finance Committee Items

Motion was made by Costello, second by Davis and carried with Hadcock voting No to (No. LF111010-13) Confirm appointment of Jeff Barbier as Community Resources Director. Sumption administered the Oath of Office to Barbier.

Motion was made by Hadcock, second by Davis to Acknowledge the discussion on National American University. Hadcock spoke on behalf of Weifenbach to encourage the City to work with National American University to facilitate the changes to their campus and administrative facilities. Mayor Hanks indicated that he has assured National American University and Buckingham of the City's support. Mayor Hanks indicated he would keep the Council advised of any futures concerns regarding National American University. Motion carried.

Bids

The following companies submitted bids for (No. CC111510-02) Water Reclamation Facility Primary Digester Cover Replacement Project, No. WRF 10-1883/CIP No. 50790 opened on November 9, 2010: R.C.S. Construction, Inc., J. Scull Construction Services, Inc. Dean Kurtz Construction Company, Heavy Constructors, Inc. dba Gustafson Builders and Industrial Process Technology, Inc. Staff reviewed the bid and recommends bid award to R.C.S. Construction with contingency. Motion was made by Waugh, second by Brown to award the bid to the lowest responsible bidder, R.C.S. Construction, Inc., in the amount of \$769,000.00 contingent upon review and approval of the award by the South Dakota Department of Environment and Natural Resources. In response to a question from Petersen, Ellis addressed the function of the digester. Motion carried.

The following companies submitted bids for (No. CC110110-02.1) 6th Street Pedestrian Crossing, Project No ST10-1865/CIP No. 50807 opened on October 26, 2010: KRM Concrete, Complete Concrete, Inc., Heavy Constructors, Inc., R.C.S. Construction, Inc., Stanley J Johnsen Concrete Contractor, Inc., and Tru-Form Construction, Inc. Staff reviewed the bid and recommends bid award to KRM Concrete. Motion was made by Costello, second by Kroeger to award the bid to the lowest responsible bidder, KRM Concrete in the amount of \$192,292.10.

In response to a question from Mason, Green addressed the reconstruction requirements of the South Dakota Department of Transportation agreement. Discussion followed regarding the relocation of the existing pedestrian crossing, the pedestrian crossing study findings and the relationship between the 6th Street pedestrian crossing, the Main Street Square, the Civic Center and downtown Rapid City. Hadcock recommended that the South Dakota Department of Transportation agreement be referred to the Legal & Finance Committee. Motion was made by Kooiker, second by Mason and carried to open public comment on Item 151. Dan Senftner, Destination Rapid City, addressed the pedestrian traffic that will be generated by events at the Main Street Square, downtown Rapid City and the Civic Center. Senftner urged the Council to move forward with the relocation of the 6th Street pedestrian crossing. Dan Tribby, Downtown Association, addressed the importance of providing a safe 6th Street pedestrian crossing that would unite the downtown area, Main Street Square, Memorial Park and the Civic Center. Motion was made by Waugh, second by Kroeger and carried to close the public comment on Item 151. In response to a question from Kooiker, Ellis addressed the realignment of the Memorial Park sidewalk to facilitate the project connectivity. Discussion followed regarding the South Dakota Department of Transportation's reasoning for the relocation of the 6th Street pedestrian crossing to the current mid-block location. Doug Kinniburgh, South Dakota Department of Transportation, indicated that both traffic flows and pedestrian safety issues were factors in the development of the mid-block pedestrian crossing. Ellis indicated that based on a City study most car/pedestrian accidents are a result of turning movements and dart/dash crossings. Motion carried

Council Items & Liaison Reports

ATTA Powwow Grounds - Randy Ross addressed the progress with securing the land site and development of the preconstruction design. Ross indicated that fund raising is progressing noting the tribal entities that have pledged support for the project and the work to development supporting partnerships and alliances.

Downtown Parking – Brian Vulcan addressed the transfer of the site to the St Joe Investment group noting that a detailed project status report would be provided at the December 6, 2010 Council meeting.

Kroeger stressed the importance of the status reports to allow the Council the ability to reallocate funding between projects based on their construction ready status.

Performing Arts – Michael Gould indicated that the project design has been completed noting that the bid opening is November 17, 2010 with bid award scheduled for December 2, 2010.

Soccer Complex – Mayor Hanks presented the report provided by the Soccer Complex summarizing the progress on the donor agreement and project funding.

Motion was made by Kooiker, second by Waugh and carried to acknowledge the projects reports from the ATTA Powwow Grounds, Downtown Parking and the Performing Arts and to continue the Soccer Complex project report to the December 6, 2010 meeting.

Motion was made by Kooiker, second by Waugh and carried to acknowledge the report on the Ad Hock Sign Task Force Committee.

PUBLIC HEARING ITEMS – Items 153 - 199

Motion was made by Brown, second by Hadcock and carried to open the public comment for Items 153-199.

Bob Haskell addressed (No. 10CA043 – 10CA044) the adverse impact to his property that would result from the floodplain development requirements for the properties addressed in Items 157 and 158. Haskell requested that the City support the action taken by Pennington County and deny the rezone requests.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 153 – 156

The following Item was removed from the Continued Public Hearing Consent Items.

156. No. 10SV008 – Kooiker presented A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.

Motion was made by Kroeger, second by Hadcock and carried to approve the following items as they appear on the Continued Public Hearing Consent Items with the exception of Item 156.

Continue the following items until December 6, 2010:

153. No. 10SV021 - A request by Fisk Land Surveying & Consulting Engineers for James Steele for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along Sun Ridge Road and the Section Line Highway and to waive the requirement to dedicate right-of-way along the Section Line Highway per Chapter 16 of the Rapid City Municipal Code** for Lot 1 of S and S Subdivision located in the SE1/4 of Section 25, T2N, R6E, BHM, Pennington County, South Dakota, legally described as that portion of the SE1/4 SE1/4 SE1/4 of Section 25, T2N, R6E, lying South and West

of Lot H-1 of said SE1/4 SE1/4 SE1/4, BHM, Pennington County, South Dakota, located along the south side of Sun Ridge Road west of the intersection of Sun Ridge Road and Aztec Drive.

154. No. 10SV022 - A request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot 1R and Lot 2 of Heavlin No. 2 Addition, legally described as Lot 1 of Heavlin No. 2 Addition, portion of SE1/4 of the SE1/4 of the SE1/4 of Section 19 and the E1/2 of the NE1/4 of the NE1/4 of Section 30, T1N, R9E, BHM, Pennington County, South Dakota, located at 23299 South Airport Road.

Continue the following items until December 20, 2010:

155. No. 10SV007 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** for Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Hadcock, second by Brown and carried to continue (No. 10SV008) A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** for Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive to the December 6, 2010 Council meeting.

Close Public Hearing (comment) -- Items 153 - 199

Motion was made by Hadcock, second by Davis and carried to close the public comment on Items 153 – 199.

CONSENT PUBLIC HEARING ITEMS – Item 157 - 193

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

157. No. 10CA043 – Approve a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential** for the east 33 feet of South Valley Drive right-of-way located adjacent to Lot 3M and Lot 5 of Melody Acres, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to 2990 South Valley Drive.
158. No. 10CA044 – Approve a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley

Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of South Valley Drive and Orchard Lane.

170. Red Rock Golf Club LLC DBA Red Rock Golf Club, 6520 Birkdale Dr for Retail (on-sale) Liquor

175. BDUBS LLC DBA Buffalo Wilds Wings, 715 Mt View Rd for Retail (on-sale) Liquor

Motion was made by Davis, second by Brown and carried to approve the Consent Public Hearing Items 157 – 193 with the exception of Items 157, 158, 170 and 175.

Alcohol Licenses

159. Rushmore QMG, LLC DBA Qdoba Mexican Grill, 1745 Eglin Street Ste. 550 for a Retail (on-off sale) Malt Beverage License NO video lottery

160. Big D Oil Co DBA Big D Oil Co #22, 49 E Omaha Street for Package (off-sale) Malt Beverage

161. Big D Oil Co DBA Big D Oil Co #4, 1507 E St Patrick Street for Package (off-sale) Malt Beverage

Retail (on-off sale) Wine License Renewals for 2011

162. Museum Alliance of Rapid City, Inc. DBA The Journey Museum, 222 New York Street for Retail (on-off sale) Wine

163. Rhonda Berger and Jim Berger DBA Ichiban, 1109 W Omaha Street, Suite A for Retail (on-off sale) Wine

164. Gab Denk Kwak DBA Hana Restaurant, 2328 W Main Street for Retail (on-off sale) Wine

165. Charles J Desmond General Partnership DBA Ifrit's Hookah Lounge, 725 St Joseph Street for Retail (on-off sale) Wine

166. Uncork'd Wine & Tapas Bar LLC DBA Uncork'd Wine & Tapas Bar, 5734 Sheridan Lake Road, #207 for Retail (on-off sale) Wine

167. Robert W Johnson DBA Canyon Lake Pub & Casino, 4116 Jackson Blvd for Retail (on-off sale) Wine

168. Chrisbro LLC DBA Hampton Inn, 1720 Rapp Street for Retail (on-off sale) Wine

Retail (on-sale) Liquor License Renewals for 2011

169. Cortez LLC DBA Alex Johnson Hotel, 523 6th Street for Retail (on-sale) Liquor

171. Heinsel Investments LLC DBA Comfort Suites, 1333 N Elk Vale Rd for Retail (on-sale) Liquor

172. GS Corporation DBA Casa Re-AI, 2315 ½ Mt Rushmore Rd for Retail (on-sale) Liquor

173. Martom Management Inc DBA Day's Inn Lounge, 725 Jackson Blvd for Retail (on-sale) Liquor

174. Oasis Lounge, Inc DBA Oasis Lounge, 711 Main Street for Retail (on-sale) Liquor

176. Kelly's Sports Lounge Inc DBA Kelly's Sports Lounge, 825 Jackson Boulevard for Retail (on-sale) Liquor
177. Kelly's Sports Lounge II Inc DBA Kelly's Sports II, 318-320 E. Blvd. for Retail (on-sale) Liquor
178. Rushmore Cuisine Inc DBA Ruby Tuesday, 2709 Mt Rushmore Rd (821 Fairmont Blvd) for Retail (on-sale) Liquor
179. Colonial House Inc DBA Colonial House, 2501 Mt Rushmore Road for Retail (on-sale) Liquor
180. City of Rapid City DBA Airport Restaurant and Lounge, 4550 Terminal Road #206 for Retail (on-sale) Liquor
181. Rushmore Plaza Civic Center Board DBA Rushmore Plaza Civic Center, 444 Mount Rushmore Road for Retail (on-sale) Liquor
182. Steven C Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street for Retail (on-sale) Liquor
183. VFW DBA Rushmore Post 1273, 420 Main Street for Retail (on-sale) Liquor
184. Blue Lantern Lounge Inc DBA Blue Lantern Lounge, 1200 E St Patrick Street for Retail (on-sale) Liquor
185. Shiba Investments Inc DBA Radisson, 445 Mt Rushmore Road for Retail (on-sale) Liquor

Package (off-sale) Liquor License Renewals for 2011

186. Cortez LLC DBA Alec Johnson Hotel, 523 6th Street for Package (off-sale) Liquor
187. Wal-East Development Inc DBA Jackpot Casino TOO, 1415 N La Crosse St #3 for Package (off-sale) Liquor
188. Sooper Dooper Markets Inc DBA Sooper Dooper #1, 913 E. St. Patrick Street for Package (off-sale) Liquor
189. Thrifty Smoke Shop Inc DBA Thrifty Smoke Shop III, 3030 West Main St, Suite B for Package (off-sale) Liquor
190. Thrifty Smoke Shop Inc DBA Thrifty Smoke Shop, 718 E St Patrick Street for Package (off-sale) Liquor
191. Metanoia LLC DBA Rapid Valley Car Wash/Liquor Store, 3800 East Highway 44 for Package (off-sale) Liquor
192. Steven C Lester LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street, for Package (off-sale) Liquor

Assessment Rolls

193. No. LF111010-02 – Approve Resolution (2010-136) Levying Assessment for Cleanup of Miscellaneous Property.

RESOLUTION 2010-136
RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed five percent (5%).

Dated this 15th day of November, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Kroeger, second by Costello to approve (No. 10CA043) a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Mobile Home Residential with a Planned Residential Development to Low Density Residential** for the east 33 feet of South Valley Drive right-of-way located adjacent to Lot 3M and Lot 5 of Melody Acres, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located adjacent to 2990 South Valley Drive. Elkins addressed the location of the property with regard to the concerns expressed by Haskell. Elkins indicated that the change in designation addresses only that portion lying within the right of way. Motion carried.

Motion was made by Petersen, second by Mason to continue (No. 10CA044) a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation from Low Density Residential to Medium Density Residential** for Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the east 33 feet of S Valley Drive right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of South Valley Drive and Orchard Lane to the December 6, 2010 Council meeting. Elkins clarified the location of the site with regard to the Haskell property. Elkins addressed the Future Land Use Committee review of the request. Elkins addressed the Conditional Use requirements for mobile home parks under the Medium Density Residential zoning. In response to a question from Hadcock, Elkins indicated that further review of the ordinance would be required to determine if there were an alternative to the proposed zoning. Motion carried.

194. Motion was made by Hadcock, second by Davis and carried with Waugh abstaining to approve Red Rock Golf Club LLC DBA Red Rock Golf Club, 6520 Birkdale Dr for Retail (on-sale) Liquor.

195. Motion was made by Hadcock, second by Davis and carried to Set for Hearing at the December 6, 2010 Council meeting BDUBS LLC DBA Buffalo Wilds Wings, 715 Mt View Rd for Retail (on-sale) Liquor

NON-CONSENT PUBLIC HEARING ITEMS – Items 194 - 199

Ordinance 5692 (No. 10RZ046) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** for Lot 3M of Melody Acres, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2990 South Valley Drive having passed its first reading on November 1, 2010; motion was made by Kooiker, second by Costello, that the title be read a second time. In response to a question from Mason, Elkins addressed the relationship to Item 157, the current use of the property and the recommendation of the Future Land Use Committee. Upon vote being taken, the following voted AYE: Bonny Petersen, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason ; NO: None; whereup the Mayor declared the motion passed and Ordinance No. 5692 was declared duly passed upon its second reading.

Ordinance 5693 (No. 10RZ047) 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 Medium Density Residential District** for Lot 3A of Lot 3 of SW1/4NW1/4 and the south 20 feet of Garden Lane right-of-way located adjacent to Lot 3A of Lot 3 of SW1/4NW1/4 and the Balance of Lot 3 in the SW1/4NW1/4, Lot 3E of Lot 3 of the SW1/4NW1/4, Lots 1 through 7, Fravel Tract, and the north 15 feet of Orchard Lane right-of-way located adjacent to Lots 3 through 7 of Fravel Tract, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of South Valley Drive and Orchard Lane having passed its first reading on November 1, 2010; motion was made by Kooiker, second by Waugh, the the title be read a second time. A substitute motion was made by Hadcock, second by Mason and carried to continue to the December 6, 2010 Council meeting.

Motion was made by Kooiker, second by Kroeger to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of additional pavement along the alley and Lemmon Avenue as they abut Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue (10SV010). In response to a question from Kooiker, Elkins addressed the development history of the site. Motion carried.

Motion was made by Kooiker, second by Waugh to approve (10SV010) A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** for Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue 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. In response to a question from Petersen, Elkins indicated that the variance addresses an existing condition. Motion carried.

Motion was made by Kooiker, 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 additional pavement along Wood Avenue and Doolittle Street as they abut Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in SW1/4 of SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Doolittle Street and Wood Avenue. (10SV023)

Motion was made by Kooiker, second by Kroeger and carried to approve (10SV023) A request by Davis Engineering, Inc. for William Peterson for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement along Doolittle Street and Wood Avenue and to waive the requirement to install a sidewalk along the east side of Wood Avenue as per Chapter 16.16 of the Rapid City Municipal Code** for proposed Lot A and Lot B of Block 76 of Mahoney Addition, legally described as Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in SW1/4 of SE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of Dolittle Street and Wood Avenue with the following stipulations: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements; and, 2. Acknowledge the applicant's withdrawal of the Variance to the Subdivision Regulations to waive the requirement to install a sidewalk along the east side of Wood Avenue.

BILLS

The following bills have been audited:

P/Roll Period End 10/23/10, Pd 10/29/10	830,416.16
CDEV P/Roll Period End 10/23/10, Pd 10/29/10	2,196.59
ARRA CDEV P/Roll Period End 10/23/10, Pd 10/29/10	404.27
Pioneer Bank & Trust, 10/23/10 P/Roll Taxes, Pd 10/29/10	199,657.15
CDEV Pioneer Bank & Trust, 10/23/10 P/Roll Taxes Pd 10/29/10	165.35
ARRA CDEV Pioneer Bank & Trust, 10/23/10 P/Roll Taxes, Pd 10/29/10	30.55
Berkley Risk Administrators, Claims For October, Pd 11/1/10	47,560.03
First Administrators, Claims, Through 11/01/10, Pd 11/03/10	60,556.15
First Administrators, Claims Through 11/08/10, Pd 11/10/10	123,897.90
Black Hills Electric Coop, Electricity, Pd 11/5/10	961.60
Montana Dakota Utilities, Natural Gas, Pd 11/5/10	20.90
West River Electric Assn Inc, Electricity, Pd 11/5/10	30,095.75
SD Retirement System, Special Pay Plan For M Holmes, Pd 10/29/10	45.00
South Dakota Retirement System, October 10 Retirement, Pd 11/02/10	462,692.83
CDEV South Dakota Retirement System, October 10 Retirement, Pd 11/02/10	415.31
ARRA South Dakota Retirement System, October 10 Retirement, Pd 11/02/10	60.84
US Bank, Credit Card Charges, Pd 11/2/10 12,560.19	
 Computer Bill List	 6,153,857.60
Subtotal	7,925,594.17
 RSVP, P/Roll Period End 10/23/10, Pd 10/29/10	 2,845.40
RSVP, 10/23/10 P/Roll Taxes, Pd 10/29/10	217.68
RSVP, City-Health Insurance Trust, Oct 10 Health	1,010.00
RSVP, IKON Financial Services, OCT 10 Copier Lease	28.88
RSVP, Metropolitan Life Ins, Nov 10 Life	6.42
RSVP, Wright Express 25.120 G UNL	65.70
RSVP, October 10 Retirement, PD 11/02/10	487.86
TOTAL	7,930,256.11

Sumption requested to add a payment to J & J Asphalt in the amount of \$4,437.84 and a payment to Lipp Construction in the amount of \$350.00. The new bill list total is \$7,935,043.95. Motion was made by Kroeger, second by Costello and carried to authorize (No. CC111510-01) the Finance Officer to issue warrants or treasurers checks, drawn on property funds, in payment thereof.

EXECUTIVE SESSION

Motion was made by Waugh, second by Brown and carried to go into Executive Session for the purposed permitted by SDCL 1-25-2 at 9:07 p.m. Motion was made by Brown, second by Costello and carried to come out of Executive Session at 9:21 p.m. with all members present.

STAFF DIRECTION

No staff direction received.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Brown, second by Costello and carried to adjourn at 9:21 p.m.