

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

October 18, 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, October 18, 2010 at 7:00 P.M.

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

Staff members present included Finance Officer Pauline Sumption, Assistance Finance Officer Jeff Barbier, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Captain Doug Thrash, Fire Chief Mike Maltaverne and Administrative Coordinator Sharlene Mitchell.

ADOPTION OF AGENDA

Mayor Hanks advised that Item #12 would be addressed following Executive Session and Items #35 and #36 would be addressed following Item #92.

The following item was added to the agenda

- Status update on the implementation of the Waste and Fraud Hotline

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

APPROVE MINUTES

Motion made by Brown, second by Costello and carried to approve the minutes of the September 27, 2010 Special Council meeting and October 4, 2010 regular Council meeting.

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for October 2010 to Glen E. Talley and recognized his efforts and dedication to the service of his country and community.

Mayor Hanks presented a Certificate of Recognition to Mike Maltaverne, Fire Department, 20 years and acknowledged his dedicated service to the Rapid City community

GENERAL PUBLIC COMMENT

Jean Kessloff addressed the important relationship between economic development and historic preservation and encouraged the use of façade and grant easement programs to promote and support preservation.

NON-PUBLIC HEARING ITEMS -- Items 3 - 82

Motion was made by Mason, second by Costello and carried to open the public comment for Items 3 – 62 with the exception of Items 12, 35 and 36. No comments were received. Motion was made by Brown, second by Waugh and carried to close public comment for Items 3 – 62.

CONSENT ITEMS – Items 3 - 50

The following items were removed from the Consent Items.

12. No. PW081010-01 – Request the Mayor to direct the City Attorney to send a letter to McCarthy Properties asking for the return of the funds within two weeks and indicating that legal action will be initiated to recover the funds if the funds are not returned within two weeks.

35. No. 10CA040 - M Hill Study Area Plan – Approve request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the M Hill Study Area Plan** for all of the SE1/4NW1/4 lying south of Interstate 90 Highway right-of-way less Tract 5 of Harmony Heights, all of the S1/2NE1/4 lying south of Interstate 90 Highway right-of-way, all of the E1/2SW1/4, and all of the SE1/4 lying west of Interstate 190 Highway right-of-way, all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of the E1/2NW1/4; all of the NE1/4 lying west of Interstate 190 Highway right-of-way, all of the NE1/4SW1/4, all of the N1/2SE1/4 lying west of Interstate 190 Highway right-of-way, Tract 18 of Rapid City Greenway Tract, Tract 18A of Rapid City Greenway Tract, Tract 18B of Rapid City Greenway Tract, and all of Riverside Addition lying north of Omaha Street right-of-way, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally described as being located south of Interstate 90, west of Interstate 190, north of Omaha Street and east of the ridgeline between Interstate 190 and Deadwood Avenue.
36. No. 10CA041 - RapidTRIP2035 – Approve request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area.**
40. Set a Special Council Meeting for 12:30 p.m. on Tuesday, December 28, 2010 to authorize payment of the end of year bills.

Motion was made by Davis, second Brown and carried to approve the following items as they appear on the Consent Items with the exception of Items 12, 35, 36, and 40.

Alcoholic Beverage License Applications Set for Hearing (November 1, 2010)

3. Yichang Su DBA Pacific Café, 1204 E. North Street for Retail (on-off sale) Malt Beverage
4. Yichang Su DBA Pacific Café, 1204 E. North Street for Retail (on-off sale) Wine
5. Walgreen Co., DBA Walgreens #10656, 1902 Mount Rushmore Road for Retail (on-off sale) Wine
6. Walgreen Co., DBA Walgreens #10656, 1902 Mount Rushmore Road for Package (off sale) Malt Beverage
7. Walgreen Co., DBA Walgreens #05643, 540 Mountain View Road for Retail (on-off sale) Wine
8. Walgreen Co., DBA Walgreens #05643, 540 Mountain View Road for Package (off sale) Malt Beverage

Retail (on-sale) Liquor License Renewals for 2011

9. Rapid City Elks Lodge, DBA Elks Lodge #1187, 3333 E 39th Street for Retail (on sale) Liquor
10. Meadowood Lounge Inc., DBA Meadowood Lounge, 3809 Sturgis Road for Retail (on sale) Liquor
11. Loyal Order of Moose, DBA Loyal Order of Moose, 841 E. St Patrick Street for Retail (on-sale) Liquor

Public Works Committee Consent Items

13. No. PW091410-04 – Request the Mayor to direct staff to prepare a draft ordinance change to modify fence height requirements for second front yards as proposed in the memo.

14. No. PW101210-02 – Refer the Condition of Seger Drive to the .16 Utility Fund Oversight Committee.
15. No. PW101210-03 – Approve Change Order No. 6F to Shovelhead Excavating, Inc. for the St. Andrew Street Reconstruction – Phase 1, Project No. ST07-1604 / CIP No. 50410, for a decrease of \$85,618.73.
16. No. PW101210-04 – Approve Change Order No. 1 to Lipp Construction Inc for 2010 Miscellaneous Improvements, Project No. MIP10-1857 / CIP No. 50298, for an increase of \$24,687.45.
17. No. PW101210-05 – Approve Change Order No. 1 to Rangel Construction for St. Joseph Street Landscaping, Project No. ST09-1818 / CIP No. 50771, SDDOT Project No. POENH (192) PCN02FU, for an increase of \$24,282.08. (Grant funded.)
18. No. PW101210-06 – Approve Change Order No. 1F to Simon Contractors of SD, Inc. for Street Rehabilitation – St. Cloud Street, 5th to 7th Street, Project No. ST10-1851 / CIP No. 50549, for an increase of 7,287.90.
19. No. PW101210-07 – Approve Change Order No. 1 to SECO Construction, Inc. for the Milo Barber Transportation Center Site Improvements, Project No. GB08-1765 / CIP No. 50746, for an increase of \$9,995.65.
20. No. PW101210-08 – Approve Change Order No. 1F to Brewer Construction for St. Patrick Street Sidewalk Repairs and ADA Upgrades, Project No. ST10-1874 / CIP No. 50809, for an increase of \$5,439.63.
21. No. PW101210-09 – Approve Change Order No. 2F to Hills Materials Company for Brentwood Subdivision Grading and Surfacing Completion, Project No. ST10-1863, for a decrease of \$3,321.75.
22. No. PW101210-10 – Authorize Mayor and Finance Officer to Sign a Permanent Utility Easement from the Evangelical Lutheran Good Samaritan Society for the following described real property: NE1/4 and the SE1/4 all located in Sec 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.
23. No. PW101210-11 – Authorize Mayor and Finance Officer to Sign a Permanent Easement to Black Hills Power for Lot Sixteen (16), Block Seventy-Five (75) of the Original Townsite of the City of Rapid City, Township 1N, Range 7E, Section 1, BHM, Pennington County, South Dakota. Right of way near 6th & Rapid Street.
24. No. PW101210-12 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Burns & McDonnell Engineering Company for Construction Phase Services for the WRF Primary Digester Cover Replacement Project; Project No. WRF10-1883 / CIP No. 50790, in the amount of \$68,538.00 (SRF Funded).
25. No. PW101210-13 – Authorize Mayor and Finance Officer to Sign a Professional Services Agreement with Dream Design International, Inc. for construction administration services for Northridge Water Booster Station, Project No. W10-1898 / CIP No. 50834, in the amount of \$69,200.00. City to be reimbursed by developer for this cost.
26. No. PW101210-14 – Authorize Mayor and Finance Officer to Sign Resolution #2010-142 Transferring an Asphalt Hot Box to Meade County.

RESOLUTION #2010-142
RESOLUTION TRANSFERRING AN ASPHALT HOT BOX TO MEADE COUNTY.

WHEREAS, the City of Rapid City Street Department has an asphalt hot box mounted on a pothole patcher (Unit 74) which the City no longer needs; and

WHEREAS, the asphalt hot box is currently mounted on a vehicle chassis; and

WHEREAS, the City intends to keep the pothole patcher chassis; and

WHEREAS, It is the opinion of Street Department staff that it is unlikely the City can sell the asphalt hot box for much money at sale or auction; and

WHEREAS, Meade County has indicated its desire to acquire the asphalt hot box from the City; and

WHEREAS, Meade County is willing to help the City disassemble the equipment in exchange for the asphalt hot box; and

WHEREAS, SDCL 6-5-5 authorizes the City to lease, sell or give any personal property to the state or any public corporation thereof, upon such terms and conditions as provided by a resolution of the governing body.

NOW THEREFORE, BE IT RESOLVED, that the City of Rapid City agrees to transfer the asphalt hot box currently mounted on Unit 74 to Meade County in exchange for Meade County helping to disassemble the asphalt hot box from the vehicle chassis.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

27. No. CC101018-04 - Acknowledge Composting Notice of Violation

Legal & Finance Committee Consent Items

28. No. LF092910-30 – Approve request from James Van Nuys to determine that all feasible and prudent alternatives to the removal of the leaded glass transom at 516 Sixth Street have been pursued and that all possible planning to minimize harm to historic property has taken place.

29. No LF101310-18 - Accept the deed for the Northridge Booster Station.

30. No LF092910-03 - Approve Resolution No. 2010-144 in Support of the Efforts to Contain the Mountain Pine Beetle.

RESOLUTION NO. 2010-144
RESOLUTION IN SUPPORT OF THE EFFORTS TO
CONTAIN THE MOUNTAIN PINE BEETLE

WHEREAS, the mountain pine beetle epidemic has damaged approximately 400,000 acres of forest in the Black Hills since 1996; and

WHEREAS, the beauty of the Black Hills is adversely affected by thousands of dead trees; and

WHEREAS, the presence of hundreds of thousands of dead trees will create a safety hazard for forest users, will affect tourism, forest management, grazing, and wildlife management, and will increase the risk of catastrophic forest fires which could further affect the beauty of the Black Hills and the quality of municipal water for Rapid City; and

WHEREAS, the mountain pine beetle epidemic is moving toward Mt. Rushmore National Monument.

NOW, THEREFORE, BE IT RESOLVED that the City of Rapid City encourage and strongly support efforts by the US Forest Service, the US National Park Service, the State of South Dakota, and private landowners to contain the spread of the mountain pine beetle; and

BE IT FURTHER RESOLVED that the City of Rapid City urge the Governor of South Dakota and the South Dakota Congressional delegation to support requests for needed resources for the Black Hills National Forest, Mt. Rushmore National Monument, and private landowners to aggressively address the mountain pine beetle epidemic; and

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor of South Dakota, to South Dakota's Congressional Delegation, to the Forest Supervisor of the Black Hills National Forest, and to the Superintendent of Mt. Rushmore National Monument.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 31. No. LF101310-03 – Accept grant award from the Department of Highway Safety in the amount of \$147,828.
- 32. No. LF101310-04 – Approve Resolution No. 2010-139 to Donate Surplus Fire Truck to DOTY Fire Department.

Resolution No 2010-139
RESOLUTION TO DONATE PROPERTY NO LONGER NEEDED FOR PUBLIC PURPOSES
TO DOTY FIRE PROTECTION DISTRICT

WHEREAS, the City of Rapid City currently owns the following property:

1994 Pierce Dash Fire Truck, VIN 4P1CT02DXRA000574, that was formerly known as Engine 1; and

WHEREAS, the Common Council of the City of Rapid City has determined that the above-described property is no longer needed for public purposes; and

WHEREAS, it is the opinion of the Fire Department staff that it is unlikely the City can sell the fire truck for much money at private sale or public auction; and

WHEREAS, the Doty Fire Protection District is a public corporation organized under the laws of State of South Dakota; and

WHEREAS, the Doty Fire Protection District has expressed its need for a fire truck that meets national standards, its inability to afford a new fire truck, and its desire to acquire the Pierce Dash Fire Truck from the City; and

WHEREAS, the Doty Fire Protection District intends to use the fire truck for public purposes; and

WHEREAS, SDCL 6-5-2 authorizes the City of Rapid City to give any personal property it owns to the state or any public corporation thereof, upon such terms and conditions as provided by a resolution of the governing body.

NOW THEREFORE, BE IT RESOLVED, that the City of Rapid City shall donate to the Doty Fire Protection District the 1994 Pierce Dash Fire Truck formerly known as Engine 1.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 33. No. 10TP028 – Authorize Mayor and Finance Officer to sign the No Cost, Time Extension with Felsburg Holt & Ullevig for the Chapel Valley Access and Route Alignment Study.
- 34. No. 10TP029 – Authorize Mayor and Finance Officer to sign the No Cost, Time Extension with Alta Planning & Design for the Rapid City Area Bicycle and Pedestrian Master Plan.
- 37. No. LF101310-16 – Authorize Mayor and Finance Officer to sign Amendment #1 to State of South Dakota Historical Preservation Allocation Award Between State Historical Preservation Office, Office of History and Rapid City Historic Preservation Commission Project SD-10-016 reallocating funds in the amount of \$6,000 in the approved Historic Preservation Grant.
- 38. No. LF101310-07 – Approve Resolution No. 2010-136 Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION #2010-136
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 18th day of October 2010. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on 15th day of November 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 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

39. No. LF101310-08 – Approve Resolution No. 2010-138 Declaring Property Surplus.

Resolution # - 2010-138
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:

Rapid Transit

Bus 701 CTY1611 2005 Ford E-350 Super V 1FDXE45PX5HA78125 Approximately 84,162 mi

Bus 702 CTY1610 2005 Ford E-350 Super V 1FDXE45P15HA78126 Approximately 81,380 mi

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 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

41. Acknowledge the following volunteers for workmen’s compensation purposes: Larry James and Andrea James.

- 42. No. LF101310-09 – Authorize Mayor and Finance Officer to sign Subrecipient Contract for Community Development Block Grant Funding Entitlement Funds with Care Net Pregnancy Resource Center.
- 43. No. LF101310-10 – Approve Resolution No. 2010-137 to Amend the City of Rapid City Compensation Plan by Changing the Title of Ice Specialist.

RESOLUTION NO. 2010-137
 RESOLUTION TO AMEND THE CITY OF RAPID CITY
 COMPENSATION PLAN BYCHANGING THE TITLE OF ICE SPECIALIST

WHEREAS, the Rushmore Plaza Civic Center General Manager has requested that the position of Ice Specialist be re-titled; and

WHEREAS, the basis for the recommendation is to reflect the industry standard for the position.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that the City of Rapid City compensation plan is hereby revised as follows:

Job Title	Grade	Salary	
AFSCME			
FROM:			
Ice Specialist	12	\$30, 222	\$45, 968
TO:			
Civic Center Ice Specialist	12	\$30, 222	\$45, 968

Dated this 18th day of October, 2010.

ATTEST:
 s/ Pauline Sumption
 Finance Officer

CITY OF RAPID CITY
 s/ Alan Hanks, Mayor

(SEAL)

- 44. No. LF101310-17 – Acknowledge tele/video conferencing update.
- 45. No. LF101310-11 – Approve Resolution No. 2010-147, Resolution Authorizing the Parks and Recreation Department to Apply for On-Sale Alcohol Licenses for Meadowbrook Golf Course and Executive Golf Course.

RESOLUTION NO. 2010-147
 RESOLUTION AUTHORIZING THE PARKS AND RECREATION DEPARTMENT
 TO APPLY FOR ON-SALE ALCOHOL LICENSES FOR
 MEADOWBROOK GOLF COURSE AND EXECUTIVE GOLF COURSE.

WHEREAS, the City of Rapid City owns Meadowbrook Golf Course and Executive Golf Course; and

WHEREAS, the City has previously entered into agreements with independent vendors to run the concessions and sell alcoholic beverages at the City’s golf courses; and

WHEREAS, the City has decided to run the concessions at the City’s golf courses internally; and

WHEREAS, in order to continue and sell alcoholic beverages at the City's golf courses the City will need to obtain on-sale alcoholic beverage licenses in the name of the City; and

WHEREAS, SDCL 35-4-106 authorizes the City to obtain on-sale alcoholic beverage licenses for municipally owned golf courses.

NOW THEREFORE, BE IT RESOLVED that the City's Parks and Recreation Department is hereby authorized to submit an application for an on-sale beer and wine license to the South Dakota Department of Revenue for Meadowbrook Golf Course and Executive Golf Course.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 46. No. LF101310-12 – Authorize Mayor and Finance Officer to sign Right of Way Vacation Petition to Vacate a Portion of the Alley Right of Way Adjacent to Lots 24-32 of Block 75 of the Original Townsite of Rapid City, Located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, SD.
- 47. No. LF101310-13 – Acknowledge report regarding professional service contracts entered into in the third quarter of 2010 under \$25,000.
- 48. No. LF101310-14 – Acknowledge raffle request from Western Resources for dis-ABLED Independence.
- 49. No. LF101310-15 - Acknowledge raffle request from Western Dakota Tech (Lions Club).

Growth Management Department Consent Items

- 50. No. 10AN003 – Approve a request by Chris Schwartz for Fresh Start Convenience Stores for a **Petition for Annexation** of Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 3887 E. Highway 44.

RESOLUTINO NO. 2010 - 141
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 0.66 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lot 2 of Lot M of Burson Subdivision, located in the E1/2 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT CALENDAR

Motion was made by Kroeger, second by Costello and carried to Set a Special Council Meeting for 12:30 p.m. on Tuesday, December 28, 2010 to authorize payment of the end of year bills.

CONTINUED CONSENT ITEMS – Items 51 - 62

The following item was removed from the Continued Consent Items.

53. No. 10PL037 - A request by Dream Design International, Inc. for a **Preliminary Plat** for Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Seminole Lane.

Motion was made by Brown, second Costello by and carried to approve the following items as they appear on the Continued Consent Items with the exception of Item 53.

Continue the following items until November 1, 2010:

51. 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.

52. 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.

54. 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.

55. No. 10PL054 - A request by Duane Brink for a **Layout Plat** for Lots 1R and 2 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington

County, South Dakota, legally described as Lot 1 of Heavlin Addition No. 2 located in the SE1/4 SE1/4 SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 23299 South Airport Road.

56. 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.
57. No. 10PL063 - A request by Davis Engineering, Inc. for Bill Peterson and Don Jiracek for a **Preliminary Plat** for Lots A and B of Block 76 of Mahoney Addition located in the SW1/4 of the SE1/4 of Section 25, T2N, R7E BHM, Rapid City, Pennington County, South Dakota, legally described as Block 76 less the north 8.5 feet of Block 76 of Mahoney Addition located in the SW1/4 of the SE1/4 of Section 25, T2N, R7E BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Wood Avenue and Doolittle Street.
58. No. 10PL064 - A request by Sperlich Consulting, Inc. for Century Resources for a **Preliminary Plat** for Lots 2 through 7 of Vista Ridge Subdivision and Lot 6 of Block 1 of Menard Subdivision located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of East Anamosa Street and East North Street.
59. No. 10PL065 - A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation for a **Preliminary Plat** for Lots 1R through 22R and 24R through 29R of Block 1, Lots 1R through 18R of Block 2, Lots 1R through 43R and 45R through 57R of Block 4, Lots 1R through 64R of Block 5 and Common Area C Revised, Common Area D Revised, Common Area E Revised, Common Area F Revised, Common Area G Revised and Common Area H Revised of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.
60. 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.
61. No. 10PL069 - A request by Sperlich Consulting, Inc. for Clint Ackerman for a **Preliminary Plat** for Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Country Road and West Nike Road.

Continue the following items until November 15, 2010:

62. 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.

END OF CONTINUED CONSENT ITEMS

Motion was made by Hadcock, second by Kroeger to approve (No. 10PL037) a request by Dream Design International, Inc. for a **Preliminary Plat** for Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Seminole Lane with stipulations. Elkins advised that the applicant has met the stipulations of approval. Motion to approve with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, a copy of the recorded drainage easement for the 36 inch storm sewer pipe located on an adjacent property shall be submitted for review and approval; 2. Prior to submittal of a Final Plat application, the applicant shall enter into an agreement with the City for the installation and maintenance of decorative street lights if utilized; 3. Prior to submittal of a Final Plat application, the lift station shall be accepted by the City; 4. Prior to submittal of a Final Plat application, the drainage issues located at the west end of Poppy Trail shall be addressed and the second lift of asphalt shall be installed on Poppy Trail; 5. 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; 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 7. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within 2 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 2 year period, request a 1 year extension subject to approval by the City Council, carried.

NON-CONSENT ITEMS – Items 63 - 82

Motion was made by Costello, second by Brown and carried to open public comment for Items 63 – 82.

Nick Kenastan (No. LF101310-02) addressed the safety hazards associated with the lighting intensity and visual distraction of the on-premise LED billboards and recommended the use of this type of signage be addressed.

Brendan Casey (No. LF101310-02) encouraged the Council to deny the proposed Sign Task Force membership in its entirety.

Pat Hamilton (No LF101310-02) encouraged the appointment of a broad spectrum committee with representation from the sign industry and community. Hamilton addressed the importance of an open, nonbiased committee. Hamilton encouraged the Council to establish guidelines for the Task Force to work under.

Public Comment closed – Motion was made by Waugh, second by Brown and carried to close public comment for items 63 – 82.

Ordinances

Ordinance No. 5672 (No. 10OA005) An Ordinance Amending Section 17.18.030 to Add Group Homes as a Conditional Use in the General Commercial Zoning District having passed its first reading on October 4, 2010; motion was made by Hadcock, second by Kroeger that the title be read the second time. The

following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; No: None; whereupon the Mayor declared the motion passed and Ordinance No. 5672 was declared duly passed upon its second reading.

Ordinance No. 5676 (No. 10OA013A) An Ordinance Amending the Temporary Use Regulations in Chapter 17.50 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Kroeger that Ordinance No. 5676 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010. In response to a question from Hadcock, Elkins indicated that the amendment will streamline the temporary use process in response to concerns expressed by local businesses. In response to a question from Hadcock, Elkins addressed the modifications to the temporary use timeframes. Motion carried.

Ordinance No 5677 (No. 10OA013B) An Ordinance Amending the Central Business Zoning District by Adding "Other Temporary, Seasonal, and Continuous Retail Business or Structure" as a Permitted Use in Chapter 17.16.020 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Davis and carried that Ordinance No. 5677 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5678 (No. 10OA013C) An Ordinance Amending the General Commercial Zoning District by Adding "Other Temporary, Seasonal, and Continuous Retail Business Or Structure" as a Permitted Use to Chapter 17.18.020 and Removing "Seasonal and Continuous Retail Business or Structure" as a Conditional Use in Chapter 17.18.030 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Kroeger and carried that Ordinance No. 5678 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5679 (No. 10OA013D) An Ordinance Amending the Neighborhood Commercial Zoning District by Adding "Other Temporary Retail Business or Structure" as a Permitted Use in Chapter 17.20.020 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Kroeger and carried that Ordinance No. 5679 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5680 (10OA013E) An Ordinance Amending the SC1 Neighborhood Shopping Center Zoning District by Adding "Other Temporary, Seasonal, and Continuous Retail Business or Structure" as a Permitted Use to Chapter 17.30.020 and Removing "Seasonal and Continuous Retail Business or Structure" as a Conditional Use in Chapter 17.30.030 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Waugh and carried that Ordinance No. 5680 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5681 (No. 10OA013F) An Ordinance Amending the SC2 Neighborhood Shopping Center Zoning District by Adding "Other Temporary, Seasonal, and Continuous Retail Business or Structure" as a Permitted Use to Chapter 17.32.020 and Removing "Seasonal and Continuous Retail Business or Structure" as a Conditional Use in Chapter 17.32.030 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Davis and carried that Ordinance No. 5681 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5682 (No. 10OA013G) An Ordinance Amending the Civic Center Zoning District by adding "Other Temporary Retail Business or Structure" as a Permitted Use in Chapter 17.48.020 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Davis and carried that Ordinance No. 5682 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5683 (No. 10OA014) An Ordinance to Establish The M Hill Overlay Zoning District by Adding Chapter 17.64 to Title 17 of the Rapid City Municipal Code was introduced. Motion was made by Hadcock, second by Waugh and carried that Ordinance No. 5683 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5673 (No. LF092910-25) An Ordinance to Establish a Residential Roofing Contractor License by Amending Section 15.13.150 of the Rapid City Municipal Code having passed its first reading on October 4, 2010; motion was made by Hadcock, second by Kroeger that the title be read the second time. The following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; No: None; whereupon the Mayor declared the motion passed and Ordinance No. 5673 was declared duly passed upon its second reading.

Ordinance No. 5674 (No. LF092910-26A) An Ordinance to Revise the Process for Obtaining Permits for Use of Public Streets by Amending Chapter 12.28 of the Rapid City Municipal Code having passed its first reading on October 4, 2010; motion was made by Hadcock, second by Kroeger that the title be read the second time. The following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; No: None; whereupon the Mayor declared the motion passed and Ordinance No. 5674 was declared duly passed upon its second reading.

Ordinance No. 5675 (No. LF092910-27) 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 was introduced. Green addressed the limited effect of the ordinance noting that only on/off sale wine and malt beverage uses are affected. Motion was made by Hadcock, second by Brown and carried that Ordinance No. 5675 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 1, 2010.

Ordinance No. 5666 (No. LF090110-26) An Ordinance to Remove the Permit Exemption for Replacement of Like Roofing Materials by Amending Section 15.13.030 of the Rapid City Municipal Code having passed its first reading on September 7, 2010; motion was made by Hadcock, second by Kroeger that the title be read the second time. Costello presented the correction to Section R105.2 (4) of the ordinance. Motion was made by Davis, second by Waugh and carried to amend Section R105.2 (4) of Ordinance No. 5666. Motion was made by Kroeger, second by Brown that the title be read the second time. The following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; No: None; whereupon the Mayor declared the motion passed and Ordinance No. 5666 as amended was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Hadcock, second by Waugh and carried to approve (No. 10PL041) A request by Dream Design International, Inc. for a **Layout Plat** for Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle with the following stipulations: 1. 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; 2. Upon submittal of a Preliminary Plat application, water plans prepared by a Registered Professional Engineer showing the extension of water mains must be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 3. Upon submittal of a Preliminary Plat application, construction plans must 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 must be obtained; 4. Upon submittal of a Preliminary Plat

application, a grading plan and a drainage plan must be submitted for review and approval. The drainage plan must demonstrate that the design flows do not exceed pre-developed flows or on-site detention must be provided. If on-site detention is required, then design calculations and details for the detention must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as needed; 5. 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; 6. 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; 7. Upon submittal of a Preliminary Plat application, 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; and, 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. 10. The approved Layout Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Legal & Finance Committee Items

Motion was made by Hadcock, second by Kroeger to deny (No. LF101310-02) Mayoral appointment of Andy Ainslie, Stephanie Casey, Cody Champion, Eric Farrar, Pat Hamilton, Dennis Hettich, Barry Hjort, Dan Hop, Gene Hunter, Mark Kirkeby, Lisa Modrick, Rodney Pettigrew, Doug Rumpca, Suzanne Wilson, Lysann Zeller, Aaron Costello, and Jordan Mason to the Ad Hoc Sign Code Revision Task Force.

Mayor Hanks presented the amended appointments to the Ad Hoc Sign Code Revision Task Force noting the representation provided by the revised membership. Motion was made by Davis, second by Waugh to approve Mayoral appointment of Andy Ainslie, Cody Champion, Erick Farrar, Dennis Hettich, Barry Hjort, Dan Hop, Gene Hunter, Mark Kirkeby, Lisa Modrick, Rodney Pettigrew, Doug Rumpca, Aaron Costello and Jordan Mason to the Ad Hoc Sign Code Revision Task Force. Brown encouraged the proposed members to approach the task with open minds and willingness to work on the issues. In response to a question from Weifenbach, Green addressed the appointment process under the aldermanic form of government. Green stated that under the aldermanic form of government the Mayor appoints and the Council roll is limited to confirming or rejecting the appointment. Green stated that the Council does have the ability to create its own committees and in that case the Council can make committee appointments noting that State law provides no guidance for that process. In this case the Council asked the Mayor to bring forward appointments so its role is limited to confirmation or rejection of the appointments. Weifenbach recommended that the Task Force be given specific directions and that all recommendations be presented to the Council. Amended motion was made by Hadcock, second by Weifenbach to add Pat Hamilton to the proposed Ad Hoc Sign Code Revision Task Force. In response to a question from Weifenbach, Green addressed the role of Council in approving or denying the committee membership as amended. Discussion continued regarding the ability of the Council to make committee appointments. Kooiker recommended that the Task Force be provided with clear direction noting the concerns presented regarding both on and off premise signage. In response to a question from Hadcock, Mayor Hanks indicated that the Council direction to the Task Force was to review the entire sign code. The motion as amended carried.

Public Works Committee Items

Bids

Sumption presented the bid for (No. CC101018-02.1) SAND, Street Division opened on October 12, 2010, noting that no bids were received. Staff recommends allowing the use of informal quotes. Motion was made by Waugh, second by Petersen and carried to approve the use of informal quotes for Sand.

The following companies submitted bids for (No. CC101018-02.2) LIQUID ROAD DEICER, Street Division opened on October 12, 2010: EnviroTech Services, Inc. Staff reviewed the bid and recommend bid award to EnviroTech Services, Inc. Motion was made by Brown, second by Kroeger to award the bid to the lowest responsible bidder, EnviroTech Services, Inc., in the amount of \$12,500.00 (\$1.25 per unit). In response to a question from Petersen, Ellis indicated that the bid is similar in price to the FY 2009 bids. Motion carried.

Sumption presented the bid for (No. CC100410-02.1) Main Street Square Site Development, Project No. PR-1901/CIP No. 50839 opened on September 30, 2010 and continued from the October 4, 2010 Council. Staff recommends that all bids be rejected and staff be authorized to rebid the project. Motion was made by Waugh, second by Costello to reject all bids and to authorize the project to be rebid. In response to a question from Weifenbach, Mayor Hanks outlined the bid restructure to address the cost issue. Sumption indicated that bidders would contact the project engineer for copies of the project plans and specifications. Green clarified the competitive bid and Request for Proposal processes noting that plans and specifications are provided under the competitive bid process. In response to a request from Weifenbach, Mayor Hanks indicated that the project plans and specifications would be made available to the Council members. Discussion continued regarding the anticipated completion date resulting from the delay in the start of project construction. Kooiker addressed the impact of the public vote and bid process on the start of construction. In response to a question from Kooiker, Sumption indicated that a Memorial Day completion date was identified in the project specifications. Discussion followed regarding the impact of liquidated damages on the overall project costs. In response to a question from Mason, Mayor Hanks identified the funding sources for the project noting the specialty equipment that will be purchased by Destination Rapid City and donated to the City for maintenance of the site. Mayor Hanks clarified that project over-runs are the responsibility of Destination Rapid City. In response to a question from Weifenbach, Green addressed the process by which bidders obtain copies of the project plans and specifications. Green addressed the advertisement process noting that anyone can submit a bid on the project. Motion carried

Sumption presented the bid for (No. CC101018-02.3) Catron Boulevard Reconstruction Utility Relocation and Modification Project No. SSW09-1819 / CIP No. 50396. Staff recommends concurrence with the South Dakota Department of Transportation's bid award. Motion was made by Waugh, second by Brown to concur with the South Dakota Department of Transportation's award of the total bid in the amount of \$1,261,576.45 to Upper Plains Contracting, Inc. In response to a question from Weifenbach, Ellis indicated that the contractor is from Aberdeen and has done extensive work with the South Dakota Department of Transportation. Motion carried.

Council Items & Liaison Reports

Kooiker address the history of (No. CC101018-03) the anti-retaliation issue noting that while the chain of command is important it is also important for the employee to have access to the Council. Kooiker addressed the February 11, 2009 memorandum drafted and distributed by the Mayor's Office in response to the concerns expressed regarding employees approaching council members. Motion was made by Kooiker, second by Mason to request the Mayor to direct staff to proceed with putting the February 11, 2009 memorandum in official resolution format similar to the December 2, 2002 policy. Mayor Hanks addressed the various formats in which the February 11, 2009 memorandum had been disseminated to all city employees noting that the memorandum is also available on the Human Resources web site. Discussion followed regarding the necessity of the proposed resolution. Mason addressed his interest in reviewing internal policies to insure open public discourse for all employees noting that the need for the resolution is valid. Mayor Hanks clarified that the motion on the floor is to

adopt the February 11, 2009 memorandum to all employees from the Mayor Hanks in the form of a resolution. Motion carried.

Kooiker requested information regarding the implementation of the Waste and Fraud Hotline. Green addressed the legal issues associated with the vendor contract and his efforts to resolve those issues. In response to a question from Kooiker, Green indicated that all current city employees will have access to the hotline. Discussion followed regarding extending hotline access to current employees, former employees and committee and board members. Discussion continued regarding the hotline notification policy. Green indicated that the vendor contract and procedure policy would be provided for Council review at the October 27, 2010 Legal & Finance Committee meeting. Motion was made by Kooiker, second by Davis to acknowledge the report. In response to a question from Petersen, Green addressed the manner in which callers would submit information into the system and track the progress while remaining anonymous. Motion carried.

PUBLIC HEARING ITEMS – Items 83 - 92

Motion was made by Kroeger, second by Davis and carried to open the public hearing for items 83 – 92 and Items 35 and 36. No comments were received.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 83 - 90

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

Continue the following items until November 1, 2010:

63. 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.
64. 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.
65. No. 10SV014 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
66. No. 10SV017 - A request by Sperlich Consulting, Inc. for Century Development, Co., Inc. for a **Variance to the Subdivision Regulations to waive the Requirement to install sewer and**

sidewalk along East North Street, to provide 20 additional feet of right-of-way and install sewer along North Creek Drive, and to provide sidewalk along the west side of North Creek Drive and provide sewer along Century Road as per Chapter 16.16 of the Rapid City Municipal Code for Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8, 9 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 3 and the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, of Section 32, T2N, R8E, BHM, a portion of the NW1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, and a portion of the NE1/4 of the SW1/4 of Section 32, T2N, R8E, BHM, all located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of East Anamosa Street and East North Street.

67. No. 10SV018 - A request by Wyss Associates, Inc. for Rapid City Defense Housing Corporation for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk along the east side of Wildflower Drive, on the south side of Clover Ridge Drive, on the west side of Prairie View Drive, on both sides of the street on Range View Circle, Range View Court and Harvest Lane, on the north side of Field View Drive and Minnesota Street, to reduce the right-of-way width from 52 feet to 50 feet on Wild Flower Drive, Clover Ridge Drive, Prairie View Drive and on portions of Range View Circle, to reduce the cul-de-sac right-of-way width from 110 feet to 100 feet on Prairie View Court and Range View Court, to reduce the right-of-way width from 100 feet to 90 feet and 80 feet on Minnesota Street, to reduce the pavement width from 27 feet to 20.5 feet on Wildflower Drive, Clover Ridge Drive and Range View Circle, to reduce the pavement width from 24 feet to 20.5 feet on Prairie View Court, Range View Court and Harvest Lane, to reduce the cul-de-sac pavement width from 96 feet to 69 feet on Prairie View Court and Range View Court and to waive the requirement to install a sewer main on Wildflower Drive from Minnesota Street to Clover Ridge Drive and on Range View Circle from Wild Flower Drive to Range View Court as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 1R through 22R and 24R through 29R of Block 1, Lots 1R through 18R of Block 2, Lots 1R through 43R and 45R through 57R of Block 4, Lots 1R through 64R of Block 5 and Common Area C Revised, Common Area D Revised, Common Area E Revised, Common Area F Revised, Common Area G Revised and Common Area H Revised of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 22 and 24 through 29 of Block 1, Lots 1 through 18 of Block 2, Lots 1 through 43 and 45 through 57 of Block 4, Lots 1 through 64 of Block 5 and Common Areas C through H of Dakota Ridge Subdivision located in the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Cambell Street, south of East Minnesota Street and east of Elm Avenue.
68. No. 10SV019 - A request by Sperlich Consulting, Inc. for Clint Ackerman for a **Variance to the Subdivision Regulations to waive the requirement to install additional pavement, curb, gutter, sidewalk, street light conduit, sewer and water along West Nike Road as per Chapter 16.16 of the Rapid City Municipal Code** for Tract A of Prairie Meadows Subdivision, Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of "Government" Lot 4 of Section 18, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Country Road and West Nike Road.

Continue the following items until November 15, 2010:

69. No. 10SV010 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** 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.

Continue the following items until December 6, 2010:

70. Wal-Mart Stores Inc. DBA Walmart #1604, 1200 N. Lacrosse Street for Retail (on-off sale) Wine license

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Costello, second by Brown and carried to close the public hearing on items 83 – 92 and items 35 and 36.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 91 - 92

Motion was made by Kooiker, second by Wauth and carried to Authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of of water along Interstate 90 as they abut Lot E of the S1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at located between East Mall Drive and Interstate 90, west of Elk Vale Road. (10SV020)

Motion was made by Kooiker, second by Waugh and carried to approve (No. 10SV020) A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install water along Interstate 90 as per Chapter 16.16 of the Rapid City Municipal Code** for Lots 1 and 2 of Block 1, and dedicated Business Park Drive Right-of-way, Gateway Business Park Subdivision located in the W1/2 of the SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 SE1/4 and a portion of Lot E of the S1/2 SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between East Mall Drive and Interstate 90, west of Elk Vale Road 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 improvement.

Motion was made by Hadcock, second by Costello and carried to approve (No. 10CA040 - M Hill Study Area Plan) request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the M Hill Study Area Plan** for all of the SE1/4NW1/4 lying south of Interstate 90 Highway right-of-way less Tract 5 of Harmony Heights, all of the S1/2NE1/4 lying south of Interstate 90 Highway right-of-way, all of the E1/2SW1/4, and all of the SE1/4 lying west of Interstate 190 Highway right-of-way, all located in Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; All of the E1/2NW1/4; all of the NE1/4 lying west of Interstate 190 Highway right-of-way, all of the NE1/4SW1/4, all of the N1/2SE1/4 lying west of Interstate 190 Highway right-of-way, Tract 18 of Rapid City Greenway Tract, Tract 18A of Rapid City Greenway Tract, Tract 18B of Rapid City Greenway Tract, and all of Riverside Addition lying north of Omaha Street right-of-way, all located in Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, generally described as being located south of Interstate 90, west of Interstate 190, north of Omaha Street and east of the ridgeline between Interstate 190 and Deadwood Avenue.

2010 - 145

**RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY**

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

WHEREAS, the Rapid City Council held a public hearing on the 18th day of October, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would incorporate the M Hill Study Area Plan into the Comprehensive Plan; and

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

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the Comprehensive Plan by adopting the M Hill Study Area Plan.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to incorporate the M Hill Study Area Plan, and, along with the accompanying maps, plats, charts and descriptive and explanatory matter as attached to the original hereof, filed with the City Finance Office.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Motion was made by Hadcock, second by Waugh and carried to approve (No. 10CA041 - RapidTRIP2035) request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to adopt the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area.**

2010 - 146
RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

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

WHEREAS, the Rapid City Council held a public hearing on the 18th day of October, 2010, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would incorporate the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area into the Comprehensive Plan; and

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

WHEREAS, the Rapid City Common Council finds that it is in the best interest of the City of Rapid City to amend the Comprehensive Plan by adopting the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended to incorporate the RapidTRIP2035 - Long Range Transportation Plan for the Rapid City Area, and, along with the accompanying maps, plats, charts and descriptive and explanatory matter as attached to the original hereof, filed with the City Finance Office.

Dated this 18th day of October, 2010.

ATTEST:
s/ Pauline Sumption
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

BILLS

The following bills (No. CC101018-01) have been audited:

P/Roll period end 10/09/10, pd 10/15/10	861,680.60
CDev P/Roll period end 10/09/10, pd 10/15/10	2,218.70
ARRA CDev p/roll period end 10/09/10, pd 10/15/10	409.94
Supp P/Roll period end 09/30/10, pd 10/04/10	404.00
Pioneer Bank & Trust - 10/09/10 P/Roll taxes, pd 10/15/10	198,910.47
CDev Pioneer Bank & Trust - 10/09/10 p/roll taxes, pd 10/15/10	152.51
ARRA CDev Pioneer Bank & Trust - 10/09/10 p/roll taxes, pd 10/15/10	28.02
Berkley Risk Administrators - claims for September, pd 10/01/10	57,623.62
First Administrators - claims through 10/04/10, pd 10/06/10	126,209.24
First Administrators - claims through 10/11/10, pd 10/13/10	245,673.65
1st National Bank in Sioux Falls-SRF loan #5/SRF drinking water loan, pd 10/13/10	330,956.26
Black Hills Electric - electricity, pd 10/12/10	1,181.94
West River Electric Assn Inc. - Electricity, pd 10/12/10	19,625.79
US Bank - credit card charges, pd 10/04/10	14,129.00
Computer bill list	5,529,054.97
Subtotal	7,388,258.71
RSVP – P/Roll period end 10/09/10, pd 10/15/10	2,826.78
RSVP - 10/09/10 p/roll taxes, pd 10/15/10	216.26
RSVP - city-health insurance trust-Sept 10 health	1,010.00
RSVP - City of Rapid City-postage	3.05
RSVP - IKON Financial Services-copier lease Sept 2010	14.86
RSVP - Knology-Aug 10 phone	31.80
RSVP - Metropolitan Life Insurance Company-Oct 10 life	6.42
RSVP - Wright Express 46.85 g unl	121.44
Total	7,392,489.32

Sumption requested to add a payment to Brewer Construction for ST10-1874 St Patrick Street Sidewalk in the amount of \$803.90; a payment to Simon Contractors of SD, Inc. for ST10-1851 Street Rehab-St

Cloud in the amount of \$8,100.00 and a payment to Western Municipal Construction Inc. for SS09-1772 11th Street Alley Sewer in the amount of \$11,447.00. The new bill list total is \$7,412,840.22. Motion was made by Kroeger, second by Waugh and carried authorize the Finance Officer to issue warrants or treasurers checks, drawn on property funds, in payment thereof.

EXECUTIVE SESSION

Motion was made by Costello, second by Waugh and carried to go into Executive Session at 8:32 p.m. for the purposes permitted by SDCL 1-25-2. Motion was made by Costello, second by Petersen and carried to come out of Executive Session at 9:50 p.m. with all members present

STAFF DIRECTION

Motion was made by Petersen, second by Costello and carried to request the Mayor to direct the City Attorney’s Office to proceed with the litigation in accordance with findings in Executive Session.

Kooiker presented (No. PW081010-01) Request the Mayor to direct the City Attorney to send a letter to McCarthy Properties asking for the return of the funds within two weeks and indicating that legal action will be initiated to recover the funds if the funds are not returned within two weeks. Motion was made by Costello, second by Mason to approve. Weifenbach offered a friendly amendment to remove the threat of litigation. Kooiker spoke in support of the friendly amendment recommending that the letter be drafted in accordance with the direction provided at the September 28, 2010 Public Works Committee meeting. Motion as amended carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Kroeger, second by Davis and carried to adjourn the meeting at 9:52 p.m.

ATTEST:

CITY OF RAPID CITY

Mayor

Finance Office

(SEAL)