

37. No. PW050107-19 – Approve, per staff's recommendation, a request for Exception to allow Roll Curb with Curbside Sidewalk along Lane/Place and Subcollector Streets. (07EX026)
39. No. 06EX072 - Approve a request by Boschee Engineering to allow an exception to the 40-unit rule for the Oliver Subdivision to allow 156 dwelling units in lieu of 155 dwelling units approved on June 19, 2006
40. No. PW052907-13 – Authorize the Mayor and Finance Officer to sign an Agreement with Brosz Engineering, Inc. for Professional Engineering Services for the design and construction engineering services on the repair of the Meadowbrook Golf Course Bridge (Structure Number 52-387-313)

Legal & Finance Committee Consent Items

41. Acknowledge report on funding recommendations from the Opportunity Capture Fund Oversight Board (Accurpress, C-lock).
42. Acknowledge report on trip to Boise concerning development and parking (Alderman Olson).
43. Request the City Attorney's office to draft an ordinance amendment to add making telephone calls to all Council members to notify them of special council meetings where action will be taken.
45. Approve moratorium on the rezoning of and development of property including fill located in the Flood Hazard Zoning District west of the Chapel Lane Bridge for 90 days to allow the reformation of the Floodplain Policy Task Force and to review the Rapid City Floodplain Development Policy.

RESOLUTION ESTABLISHING A MORATORIUM ON REZONING PROPERTY WITHIN THE 500 YEAR FLOOD PLAIN AND ON THE ISSUANCE OF FLOOD PLAIN DEVELOPMENT PERMITS FOR THE AREA WEST OF CHAPEL LAND ROAD.

WHEREAS, the City of Rapid City suffered a devastating flood in June of 1972; and

WHEREAS, more than two hundred people were killed as a result of the flood; and

WHEREAS, there were a number of people killed in the June 1972 flood in the area to the west of Chapel Lane Road located within the 500 year flood plain as designated by the Federal Emergency Management Agency; and

WHEREAS, the City of Rapid City has adopted zoning ordinances to regulate development in areas designated as 500 year flood plain and also requires a flood plain development permit before any work may be done in the 500 year flood plain; and

WHEREAS, the City of Rapid City has from time to time been presented with requests to rezone property located within the 500 year flood plain to allow various uses, particularly for property located to the west of Chapel Lane Road; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the City of Rapid City to review its adopted policy regarding rezoning of the 500 year flood plain to insure that it adequately protects the lives, health and safety of the citizens of Rapid City.

NOW THEREFORE BE IT RESOLVED by the Rapid City Common Council that there is hereby imposed a moratorium on changes to the zoning designation of property and on the issuance of flood plain development permits for property that is located west of Chapel Valley Road; and

BE IT FURTHER RESOLVED by the Rapid City Common Council that this moratorium shall last for ninety days from the effective date of this resolution unless sooner terminated by official action of the Common Council; and

BE IT FURTHER RESOLVED by the Rapid City Common Council that there shall be appointed by the Mayor with the consent of the Council a committee to review the current policy and make recommendations to the Council; and

BE IT FURTHER RESOLVED by the Rapid City Common Council that this resolution is necessary for the immediate preservation of the public health and safety and therefore, it shall take effect immediately upon its passage and publication.

Dated this 4th day of June, 2007.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

(SEAL)

46. No. LF053007-02 – Authorize staff to apply for BJA FY 07 Edward Byrne Memorial Justice Assistance Grant in the sum of \$48,545.
47. No. LF053007-03 – Approve Event Permit for Rapid City Rally Task Force to place picnic tables in downtown district August 6-10, 2007.
48. No. LF053007-05 – Approve Event Permit for Rapid City Police Department Annual Cruiser Night to be held June 8, 2007.
49. No. LF053007-06 – Approve Event Permit for Rapid City YMCA to hold a Street Dance between 8th and 9th Street on August 3, 2007.
50. Approve an ambulance rate increase of 4.1% in accordance with the regional medical CPI figures (this was approved and recommended by the EMS Oversight Committee).
51. No. LF053007-07 – Authorize the Mayor and Finance Officer to sign State of South Dakota Fire Suppression Agreement for the City of Rapid City.
52. No. LF053007-08 – Authorize the Mayor and Finance Officer to sign Agreement between the City of Rapid City and 4D Enterprises LLC for the Completion of Improvements.
53. No. LF053007-09 – Authorize the Mayor and Finance Officer to sign the Allocation Award between the State Historical Preservation Office, Office of History and Rapid City Historic Preservation Commission Project Number SD-07-12 in the Amount of \$5,000.
54. No. 07TI007 – Approve a request by Dream Design International, Inc. to consider an application for a **Resolution Creating Tax Increment District No. 63** on Government Lot 3 and the SE1/4NW1/4 less Lot A and the unplatted portion of the NE1/4SW1/4 less the south 270 feet and less part of Copperfield Subdivision all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Government Lot 2 less Rushmore Business Park and the West 660 feet of Government Lot 1 less Rushmore

because the City of Rapid City is a tremendous supporter of the Guard and Reserve Program; and because the City, as an employer, supports the Guard, Reserve, and Active Military, as was evident when he, Jerry Wright, was recalled from the retired military to active duty last November to serve in Operation Iraqi Freedom. Jerry Wright is Division Manager of the Solid Waster Operations, a division of the Public Works Department.

At 7:16 p.m., Alderman Johnson entered the meeting.

GENERAL PUBLIC COMMENT

Steven Brenden, Rapid City spoke of Tax Increment Financing indicating their use is over-extended and should be used in blighted areas.

NON-PUBLIC HEARING ITEMS -- Items 2 - 94

Okrepkie moved, second by Chapman and carried to open public comment on items 2 – 76. Steven Brenden, Rapid City addressed item #28 (PW032707-01) indicating concern about the drainage issues; #42 explaining that Boise enticed higher paying jobs, and #77 (07RZ014) asking the Council not to allow construction in the flood zone. Michael Houdyshell, attorney for CSU Properties, LLC addressed item #38 (PW052907-14), asking the Council to continue this item. Shelby Ashland and Hannah Hearn, Rapid City Youth Soccer League members addressed item #44, extending their appreciation to the City on efforts to develop a soccer complex. Helen Pick, Joan Martin, Dan Davis, Rapid City Soccer Sport Complex addressed item #44, extending their appreciation to the City, Doyle Estes, private developer, on efforts to develop a soccer complex. Rob Corner, Rapid City addressed item #45, indicating his support for a moratorium and asking the Council not to allow building in the floodway. Dr. Raymond Burnett, Rapid City addressed item #45, indicating that he has lived in the area for 34 years and suggested that adding fill will only increase the floodplain and that there will be more runoff if building is allowed in the area. Jim Munro, Rapid City addressed item #45 indicating his support for a moratorium. Chris Jaeger, Rapid City addressed item #45, indicating his support for a moratorium and indicated to allow any development will set a precedent for others to build in the area. Chapman moved, second by Kooiker and carried to close public comment on Items 2 – 76.

CONSENT ITEMS – Items 2 - 76

The following items were removed from the Consent Items:

38. No. PW052907-14 – Deny a request from CSU Properties, LLC to allow a structure within the public right-of-way

44. Request the City Attorney's office and other appropriate staff to enter into discussions with the land owner and soccer representatives regarding the site for the soccer complex and bring forward a recommendation to the City Council.

74. No. 07PL054 - A request by Cody Schad for a Layout Plat located near the Strato Bowl.

75. No. 07PL061 - A request by Centerline, Inc. for Action Development, Inc. for a Layout Plat located at the intersection of E. North Street and the proposed E. Anamosa Street.