

NON-PUBLIC HEARING ITEMS -- Items 4 – 81

Motion was made by Weifenbach, seconded and carried to open the public comment for Items 4 – 81. Susan Nolan stated her support for including sexual orientation in the non-discrimination policy and said several other communities already protect this class of people. Claudia Weiland-Randall urged the Council to pass the resolution regarding sexual orientation, and she specifically asked that orientation and identity be added to the existing law. Dale Bartscher encouraged the Council to vote no on the resolution regarding discrimination. He said the resolution is unnecessary as everyone is already protected under the Constitution. Pam Murray stated that implementing the resolution would close loopholes and limit exposure for insurance purposes. Mary Jo Farrington stated her support for the discrimination resolution. She said discrimination claims have increased by 15% this fiscal year and added that inclusion of this resolution will provide more protection to Rapid City. Vivian Jenkins stated that homosexuality contributes to depression and suicide and encouraged the Council to accept the resolution. Marla Murphy stated that the policy is for the safety of employees, and she said there is no liability involved. She said that the Council needs to approve the resolution and said it is up to managers to make it happen. John Skulborstad spoke regarding applications for major amendments to a PRD and a PCR, and he said that in some cases the landowner is not required to sign the document. He would like an ordinance created to require the landowner's signature to protect the landowner.

Motion was made by Weifenbach and seconded to close the public comments for Items 4 – 81.

CONSENT ITEMS – Items 4 – 55

The following items were removed from the Consent Items:

- 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.
67. No. 08PL143 - A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC for a **Preliminary Plat** on Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest terminus of Bunker Drive.
68. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.
69. No. 08PL176 - A request by Renner & Associates for Pete Lien and Sons for a **Preliminary Plat** on Lots 1 and 2 of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lots A and B of Keller Subdivision, located in the S1/2 of the SE1/4 and the SE1/4 of the SW1/4, Section 17, T2N, R7E, BHM, Pennington County, South Dakota, located at the Black Hills Dog Track adjacent to the west side of Sturgis Road and south of the intersection of Universal Drive and Sturgis Road.
70. No. 09PL003 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1 of Block 2 of Hilltop Business Park Subdivision, formerly a portion of the SE1/4 of the NE1/4, located in the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Homestead Street and Elk Vale Road.
71. No. 09PL004 - A request by D.C. Scott Co. Land Surveyors for Herbert Jones for a **Preliminary Plat** on Lots 11AR of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 11A and the east 20 feet of Lot 11 of Block 7 of Eastern Acres Subdivision, located in the SW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at 5581 Corbin Drive.
72. No. 09PL005 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 5 of Block 2 of Rushmore Crossing, Sections 29 and 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tracts A and B of Block 2 of Rushmore Crossing, located in the W1/2 of the SW1/4 of Section 29 and the E1/2 of the SE1/4 of Section 30, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of Eglin Street east of Luna Avenue and west of East North Street.

Legal & Finance Committee Items

Motion was made and seconded to (No. LF031109-07) Request the Planning Commission to review possible ordinance amendments requiring landowner signatures on applications. Responding to a

question from Weifenbach, Green explained that after research there is no authority that requires the landowner signature on applications; however, the Growth Management Department has a practice of requiring this signature internally. Green said that changing the practice is worthy of discussion but cannot make a recommendation at this time. Olson stated her support of the motion, as it will bring clarity to the issue. Kooiker wanted to acknowledge that he is abstaining from the item. Mayor Hanks stated his concern for the item in its current form and said it would be important to consider requiring landowner signatures as well as any lessees with property rights. Motion carried with one NO from Weifenbach and with Alderman Kooiker abstaining.

Motion was made by Kooiker and seconded to (No. LF031109-23) Request Council leadership to set a date for a 2012 soccer meeting. Responding to a question from Kroeger, Mayor Hanks confirmed that this would set a meeting for the Council sitting as the 2012 committee. Olson clarified that this meeting will only address soccer, and Weifenbach explained that the reason for the meeting is to clarify the requirements of the soccer community. They want to know what is expected from them to start drawing funds. Motion carried.

Motion was made by Kooiker and seconded to acknowledge the Update on Virginia Graeme Baker Pool and Spa Safety Act "Swimming Pool Drains". Parks and Recreation Director Jerry Cole gave a presentation on the safety act and explained that every pool and spa needs to be inspected. This will protect people from entrapment in drains and will reduce child-drowning incidents. He stated that the City pools must be inspected before they open in June. Professional engineers must certify drains, but they are reluctant to do that because of the ambiguity of the law. If Rapid City needs to change all 24 drain covers, the cost would be about \$100,000 to \$150,000. However, the company that built the swim center has hired a Professional Engineer for certifications, so Cole is hoping to have that person certify the City's covers, which will save the City about \$60,000. Responding to a question from Olson, Cole said that they have discussed the issue with legislators. Weifenbach brought up the possibility of qualifying a City employee to certify the covers. Green stated that, although the training is possible, it comes down to professional judgment of the engineer, and they might not get the result they want. Motion carried.

Motion was made by Kroeger and seconded to (No. LF031109-21) Approve Property Tax Abatement for Doyle Estes and Kathryn Johnson for 2008 in the Amount of \$171.52. LaCroix wanted to acknowledge that he is abstaining from the item. Kooiker asked why abatement would be done if the property is generating income. He said that if income went to the former owner then that person should have to pay property taxes.

Substitute motion was made by Kooiker and seconded to continue the item until the April 6, 2009 City Council meeting. Motion carried with LaCroix abstaining.

Public Works Committee Items

Motion was made by Kroeger and seconded to (No. PW031009-10) approve the recommendation for no change to the Proposed Options for Secondary Access Requirements for Commercial Uses. Motion carried.

Motion was made by Kroeger and seconded to (No. 09EX023) continue to the April 6, 2009 City Council meeting Waiving the Requirement to Install Sidewalks along Elk Vale Road (adjacent to the former site of All Decked Out), with requirement that prior to Council approval, waiver of right to protest assessment has been submitted. Elkins explained that it was recommended by committee that the sidewalk exception be granted with the condition that prior to Council approval the Waiver of Right to Protest is signed. Typically, the waiver of right to protest is signed before Council approval. Weifenbach stated his concern for moving this issue forward without any assurance that there will be a sidewalk in that area. Motion carried with one NO from Weifenbach.