

drainage pond design is appropriate for this area. In addition, a revised drainage design detail shall be submitted for review and approval; 4. Prior to submittal of a Final Plat application, the storage building shall be removed from proposed Lot 15RA as proposed or surety shall be posted to insure that it is removed as a part of the subdivision improvements for this property; 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, 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 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. Elkins explained that the applicant brought forward a phasing plan so the southeast lot is platted prior to the larger lot. Staff has met with the applicant and believe the stipulations protect the city's interest ensuring improvements are in place prior to platting of Lot A, allowing Lot B to move forward. Motion carried.

#### **NON-CONSENT ITEMS** – Items 62 – 94

Motion was made by Olson, second by Costello and carried to open the public comment for Items 62 – 94. Gary Hamilton expressed his concern that there are too many static signs and said there should be more than two sign credits required for electronic signs. He said the issue requires more investigation and study. Pat Hamilton said we need to pay attention to businesses with legitimate needs for advertising, safety for the community and having opportunity not to have signs block views. She said the recommendation of four sign credits is moderate. Cody Champion said that he was a member of the sign committee and that there was a good cross section of the community represented. He did research on other city's regulations, and Rapid City was the largest in volume and most difficult to understand. They did their best to make the recommendation equitable for all parties involved. Brendan Casey pointed out that there are 30 fewer billboards than 3 years ago. He said the existing sign credit scenario is working, and LEDs boards were to be encouraged. He suggested the sign credits are being devalued and said this is a regulatory taking that does not get us closer to removal of billboards. He suggested the Mayor meet with the sign people before electing a committee, and he also suggested that Alderwoman Olson abstain due to a conflict of interest. Terry Olson said they understand and accept the recommendation by the task force. They prefer the code remain as is but will abide by Council recommendations. Jim Jackson pointed out that the sign businesses represent the business community. He encouraged support for Item 91 (No. CC060710-06) and recommended that the sign credits required are 2 per structure at the most. Lisa Modrick said the task force did a lot of work and the recommendation came after careful evaluation. She said the vote was unanimous except for 3. Debra Jensen said citizens are interested in the issue of billboards. She said the work of the task force is important and should be presented to the public.

Sandra Runde expressed her support for Item 78 (No. LF060210-26).

Ron Bradeen explained that he was hired for the city surplus action and expressed his disappointment that a competing firm was hired for the Cleghorn School surplus. He does not understand why his company was not contact for the bid.

Tracy Bernard, Chris Johnson, Les Kinstand for Phil Lampert, Mike Derby for Ben Snow, Pat Getsinger, and John Brewer for Jack Lynass expressed their support for the time extension request by the St. Joe Investment Group. Jim Diddier said he would like things on a level playing ground and asked how many more extensions there will be to get locked-in funding and a completed project.

Motion was made by Chapman, second by Costello and carried to close the public comment for Items 62 – 94.

Responding to Chapman, Green explained that the purpose of 20 days after publication is to allow the referendum to operate, and he does not believe this is a referable action. Motion carried as amended.

RESOLUTION #2010-069

A RESOLUTION ENDING THE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR ON-PREMISE SIGN PERMITS AND OFF-PREMISE SIGN PERMITS

WHEREAS, on March 15th, 2010, the Rapid City Common Council passed a resolution establishing a ninety (90) day moratorium on the acceptance of applications for certain sign permits, including those for on-premise signs; and

WHEREAS, on April 19, 2010, the Rapid City Common Council approved the appointment of an Ad Hoc Billboard Task Force composed of community members and representatives of the sign industry to make recommendations related to the installation of digital billboards, the conversion of traditional static billboards to digital billboards and issues related to the display of off-premises messages on on-premise signs; and

WHEREAS, the ad hoc task force has completed its work and made specific recommendations to the Rapid City Common Council regarding both on-premise and off-premise digital signs; and

WHEREAS, the Ad Hoc Billboard Task Force has recommended that no changes be made to the portions of the Rapid City Municipal Code governing on-premise signs; and

WHEREAS, based on the recommendation of the Ad Hoc Billboard Task Force the Rapid City Common Council finds that it is in the best interests of the City of Rapid City to end the moratorium on the acceptance of applications for sign permits as it pertains to on-premise signs.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the moratorium on the acceptance of applications for on-premise signs is hereby terminated; AND

BE IT FURTHER RESOLVED, by the City of Rapid City that the moratorium on the acceptance of applications for off-premise signs is hereby terminate.

Dated this 7th day of June, 2010.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Alan Hanks, Mayor

(SEAL)

**Council Items & Liaison Reports**

Alderwoman Martinson addressed (No. CC060710-07) City Ordinance for Yard Care and explained that a constituent is looking for more stringent standards for taking care of property. Green said we have the nuisance standard, but he will research further and report to committee. Motion was made by LaCroix, second by Chapman and carried to acknowledge the report.

Larry Canfield and Norman Drake, St. Joe Investment Group, gave a presentation with a project update on the Presidential Plaza, and they explained they need a time extension to get financing in place. Chapman said this could be an attraction, and responding to Chapman, Drake pointed out this type of structure can sometimes generate additional revenue. Drake said financing could take another 2 to 5

months, and he confirmed a 6 month extension would be sufficient. Kooiker suggested considering new Council and the special election and said a short term extension would be reasonable.

Motion was made by Kooiker, second by Olson, to grant an extension to July 19, 2010 and ask that the item is added to that City Council agenda. Responding to Olson, Drake confirmed the design of the building is scalable. Responding to a question from Costello, Drake explained that they worked with a bank that lost interest and the only reason given was that the project was in South Dakota. He said that the current source they are working with is not their last resort. Weifenbach expressed concern for the process, and when asked, Green said that no funds have been moved at this point. Hadcock said this is a good project and said a time line of 6 months is realistic.

Amendment motion was made by Hadcock, second by Martinson, to grant an extension to December 6, 2010. Chapman suggested changing the date to December 31, 2010, and Martinson indicated her support with the understanding that if they get financing in place they will bring it forward right away. Responding to Weifenbach, Drake confirmed there has been no change in ownership or developers, and Weifenbach then asked for the Mayor's opinion. Responding to LaCroix, Green confirmed the City currently has 2012 funds, TIF funds and the land on the table. LaCroix and Olson expressed their support for the extension. Chapman said there was pressure to get agreements in place, and he said the bottom line is if the Council is willing to extend the agreements. Mayor Hanks said that he feels the best use for the land is for the multi-use facility, so he agrees with giving the city's partners an opportunity to get the financing. Amendment motion carried.

Upon vote being taken on the original motion as amended, motion carried.

Motion for Delivery of Items from Committee

Alderman Kooiker addressed the Direction on Resolution on Council Notification Procedures, and he said at minimum there should be a report but preferably a resolution. Motion was made by Kooiker, second by Waugh, to request that the Legal and Finance Committee deliver this item. Mayor Hanks explained that the item will go to committee but it must be delivered to the full Council. Olson said transparency is important and is certain this will be treated appropriately. Costello pointed out that the item was tabled because no one was there to address it at committee previously. Hadcock said if an item is brought forward it should be followed through. Weifenbach explained that he was late for the committee meeting and missed the item. Motion carried.

Elkins explained the Silver Street overlay project and said there is a neighborhood meeting set for June 22, 2010. Motion was made by Olson, second by Chapman and carried to acknowledge the report.

Alderman Hadcock gave a report on the Year of Unity Committee. Motion was made by Chapman, second by Olson, to acknowledge the report. Martinson requested an update on upcoming events, and Hadcock agreed to send information to Council. Motion carried.

**Staff Items**

Ellis indicated there is no report for the (No. CC060710-03) Vision 2012 Update. Motion was made by Chapman, second by Costello, to acknowledge the report. Chapman reported on the Phase 4 process thus far, and Martinson commented that the committees benefit from Council presence as well. LaCroix thanked Chapman for his efforts. Motion carried.

**PUBLIC HEARING ITEMS** – Items 95 – 225