CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

Community Planning & Development Services

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TO: Rapid City Planning Commission

FROM: Andrea Wolff, Administrative Secretary

DATE: November 8, 2016

RE: Summary of Amendment to the Comprehensive Plan

Section 11-6-18.2 SDCL requires that a summary of the action of the City Council on a Comprehensive Plan Amendment shall be prepared by the City Planning Commission, reviewed by the City Attorney, published once in the official newspaper, and take effect on the twentieth day after publication.

Attached please find a copy of the draft summary of adoption to amend the Comprehensive Plan. Please note that the City Council approved this amendment on November 7, 2016. Upon approval of the summary by the Planning Commission, this summary will be published in the Rapid City Journal.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission approve the summary and authorize publication in the Rapid City Journal.

EQUAL HOUSING OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
August 4, 2016

MEMBERS PRESENT: Erik Braun, Karen Bulman, Galen Hoogestraat, Linda Marchand, Steve Rolinger, Andrew Scull and Jan Swank

MEMBERS ABSENT: John Brewer, Kimberly Schmidt, Mark Jobman. Darla Drew, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Robert Laroco, Kip Harrington, Tim Behlings, Ted Johnson, Carla Cushman and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Motion by Swank seconded by Rolinger and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 5 in accordance with the staff recommendations. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Scull and Swank voting yes and none voting no)

Consent Calendar
The following items have been placed on the Consent Calendar for action to be taken on all items in accordance with staff's recommendation by a single vote. Any item may be removed from the Consent Calendar by any Planning Commissioner, staff member, or audience member, for separate consideration:

---CONSENT CALENDAR---

1. Approval of the July 21, 2016 Planning Commission Meeting Minutes.

2. No. 16RZ027 - Original Town of Rapid City
A request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County to consider an application for a **Rezoning from High Density Residential District to Public District** for Lots 17 thru 22 of Block 107 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 718 4th Street.

Planning Commission recommended that the request to rezone property from High Density Residential District to Public District be approved.

3. No. 16RZ028 - Original Town of Rapid City
A request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County to consider an application for a **Rezoning from General Commercial District to Public District** for Lots 1 thru 16, Lot 25 thu 28 and the W1/2 of vacated 3rd Street of Block 107 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as

being located at 321 Kansas City Street.

Planning Commission recommended that the request to rezone property from General Commercial District to Public District be approved.

4. No. 16RZ029 - Original Town of Rapid City

A request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County to consider an application for a **Rezoning from High Density Residential District to Public District** for Lots 29 thru 32 of Block 107 of Original Town of Rapid City, located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 308 Quincy Street.

Planning Commission recommended that the request to rezone property from High Density Residential District to Public District be continued to the August 25, 2016 Planning Commission meeting.

5. No. 16CA004 - Amendment to the Comprehensive Plan to revise the Major Street Plan

A request by City of Rapid City to consider an application for an **Amendment to the Comprehensive Plan to revise the Major Street Plan**.

Planning Commission recommended approving the Amendment to the Comprehensive Plan by amending the Major Street Plan.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

*6. No. 16PD035 - Marshall Heights Tract Subdivision

A request by FourFront Design, Inc for Cynthia Akers to consider an application for a **Final Planned Development Overlay to allow a conference room and an on-sale liquor establishment in conjunction with a hotel** for Lot K-4A of Marshall Heights Tract Subdivision, located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1902 N. La Crosse Street.

Laroco presented the application and reviewed the associated slides, noting that there is no expansion or additions to any of the structures being requested with this application; they are instead requesting to renovate the existing structure to replace the existing indoor pool with a conference facility. Additionally, they are requesting to bring the current legal non-conforming bar into compliance. Laroco noted they do have one LED sign in their current sign package and they do not propose any changes to the signage. Laroco also noted they are requesting an exception to reduce the required parking from 464 spaces to 298 spaces. Laroco stated that staff recommends that the Exception be approved due to the limitations of use placed on the conference facility and that the application for a **Final Planned Development Overlay to allow a conference room and an on-sale liquor establishment in conjunction with a hotel** be approved with stipulations.

Rolinger moved, Bulman seconded and unanimously carried to approve the requested Final Planned Development with the following stipulations:

1. **The requested Exception to reduce the required amount of off-street parking from 464 spaces to 298 parking spaces is hereby granted. All parking shall comply with the requirements of the Rapid City Municipal Code;**
2. **This Final Planned Development is approved for the existing property owner and operator only, currently listed as "Land Company, LLC". Operation of the hotel and conference room shall comply with the submitted operations plan. Changes to the operations plan or the operator of the site shall require a Major Amendment to the Planned Development;**
3. **This Final Planned Development shall allow a conference room to be constructed on the property and to allow the existing on-sale liquor establishment to remain on the site. All requirements of the General Commercial District shall be maintained unless specifically stipulated as a part of this Final Planned Development or a future Major Amendment to the Planned Development. All uses permitted in the General Commercial District which do not result in an increase in the required amount of parking on the site shall be permitted, contingent upon an approved building permit. All uses which increase the required amount of parking on the site and all conditional uses shall require a Major Amendment to the Planned Development. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Scull, and Swank voting yes and none voting no)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

*7. No. 16PD036 - Cleary Subdivision

A request by Matt Miles for Rushmore CrossFit LLC to consider an application for a **Major Amendment to a Planned Unit Development to allow a sports club as a neighborhood commercial use** for Lot A less Lot H1 of Cleary Subdivision, located in Section 26, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 1555 Catron Boulevard.

Braun stated that Bulman would be abstaining due to a conflict of interest.

Lacock presented the application noting this location has been before Planning Commission previously for other Major Amendments to the Planned Unit Development and that the stipulations have been updated to allow the existing professional office use to resume operation if the proposed sports club does not occupy the structure. Lacock noted that per the operational plan submitted, a six foot high opaque privacy fence will be constructed along the east property line by

May, 2017 and that sound proofing has been proposed to mitigate possible noise issues. Lacock noted that the signage will not be lit and that the hours of operation are requested to be from 5:00 a.m. to 8:00 p.m. Staff believes that this use is appropriate as a neighborhood serving use and recommends that if Planning Commission finds this to be an appropriate use, the **Major Amendment to a Planned Unit Development to allow a sports club as a neighborhood commercial use** be approved with stipulations as revised.

In response to a question from Scull, Lacock reviewed the history of the facility over the years from an equestrian center to a professional office to a small animal vet clinic and now back to a recreational use. Fisher further reviewed the history of the property and identified that this proposed use will provide a service to the neighborhood and as such, will function as a neighborhood commercial use.

Bulman noted that she recused herself from this item as she lives in this area and stated that she thinks this is good use for the property but does stress that the increased traffic may create an issue and hopes the patrons of the facility will avoid using the neighborhood streets.

Matt Miles, 1614 Highland Court, stated they will be taking measures to have their members use the access adjacent to the building to reduce additional traffic through the neighborhood.

In response to a question from Scull regarding future development or expansion, Fisher stated that any change to the Planned Unit Development would require a Major Amendment.

Rolinger moved, Hoogestraat seconded and unanimously carried to approve the Major Amendment to a Planned Unit Development to allow a sports club as a neighborhood commercial use with the following stipulations:

1. **If the Planning Commission determines that the change in hours of operation is appropriate for a gym, Planning Commission recommended that the hours of operation for a gym be Monday through Friday from 5:00 a.m. to 8:00 p.m. and Saturday through Sunday from 9:00 a.m. to 11:00 a.m. provided that the gym shall operate in compliance with the submitted operational plan;**
2. **A six foot high opaque privacy fence shall be constructed along the east property line as proposed in the operations plan. The fence shall be constructed by May 31, 2017;**
3. **Prior to issuance of a Building Permit for interior renovations, all ADA accessibility issues shall be resolved;**
4. **The graveled areas around the paved parking area shall be landscaped;**
5. **The property shall be kept free of weeds and debris at all times;**
6. **The dumpster shall be enclosed with a screening fence or shall be moved indoors;**

7. **All signage shall comply with the submitted sign package;**
8. **The two proposed evergreen trees shall be planted on the south property line as proposed; and,**
9. **The Major Amendment to a Planned Unit Development shall allow for a sports club as a neighborhood commercial use. Any expansion to the sports club use shall require a Major Amendment to the Planned Unit Development. If the sports club use is not initiated, the approved professional office use may continue to operate on the property. Any change in use shall require the review and approval of a Major Amendment to the Planned Unit Development. (6 to 0 to 1 with Braun, Hoogestraat, Marchand, Rolinger, Scull and Swank voting yes and none voting no and Bulman abstaining)**

The Rapid City Planning Commission's action on this item is final unless any party appeals that decision to the Rapid City Council. All appeals must be submitted in writing to the Department of Community Planning & Development Services by close of business on the seventh full calendar day following action by the Planning Commission.

8. Discussion Items

9. Staff Items

Cushman updated the Planning Commission on the Short Term Rentals Ordinance stating that staff hopes to have this item before them at the August 25, 2016 Planning Commission Meeting.

10. Planning Commission Items

11. Committee Reports

A. City Council Report (July 18, 2016)
The City Council concurred with the recommendations of the Planning Commission.
B. Building Board of Appeals
C. Capital Improvements Subcommittee
D. Tax Increment Financing Committee

There being no further business, Marchand moved, Bulman seconded and unanimously carried to adjourn the meeting at 7:27 a.m. (7 to 0 with Braun, Bulman, Hoogestraat, Marchand, Rolinger, Scull, and Swank voting yes and none voting no)

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 7, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 7, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Darla Drew, Jason Salamun, Charity Doyle, Brad Estes, Amanda Scott, Steve Laurenti, Jerry Wright, Lisa Modrick, John Roberts and the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: NONE

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Fire Chief Mike Maltaverne, Interim Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler, Community Resources Director Jeff Barbier, Parks Division Manager Lon VanDeusen and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA
Motion was made by Scott, second by Estes and carried to adopt the agenda.

AWARDS AND RECOGNITIONS
Mayor and Gloria Pluimer, Director of Career Learning Center, presented the "Extra Mile Hero" proclamation to Priscilla Noble for her "extra mile" in effort, volunteerism and service.

EXECUTIVE SESSION - To consult with legal counsel regarding proposed or pending litigation pursuant to SDCL 1-25-2(3).

Motion was made by Estes, second by Laurenti and carried to go into Executive Session at 6:43 p.m.

Motion was made by Scott, second by Laurenti and carried to come out of Executive Session at 7:18 p.m.

STAFF DIRECTION
A. Direction to staff regarding City interest in loans made by the Teton Coalition - Motion was made by Laurenti, second by Wright and carried to direct staff to take action to secure community block grant funds regarding City interest in loans made by the Teton Coalition.

B. Authorize Mayor and Finance Officer to sign proposed Release and Indemnity Agreement for Certain Phases of Big Sky Subdivision – Scott asked Landeen to properly phase the motion due to the complexity. Landeen said the motion should be to authorize the Mayor and Finance Officer to sign a settlement agreement with Doyle Estes and other parties regarding Big Sky Phases 5-10 and the Big Sky Business Park in the amount of $250,000.00 and approve it with indemnity and release language that is satisfactory to the City's legal counsel. Scott moved that she would make that motion, second by Wright. Estes stated he needed to abstain. Motion passed 9-0 with Estes abstaining.

CONSENT ITEMS – Items 2 – 54
The following items were removed from the Consent Items:

25. No. PW110116-17 – Authorize Staff to Purchase a slow speed grinder for the Solid Waste Material Recovery Facility utilizing the specification and bids from City of Gering, Nebraska from August 18, 2016 in the amount of $709,875.00.

27. No. PW110116-19 – Authorize staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations. Estimated cost: $50,000.00.

52. No. LF110216-11 – Acknowledge Report from Staff on Cemetery Monuments Realignment Project.

Motion was made by Estes, second by Laurenti and carried to approve Items 2-54 as they appear on the Consent Items with the exception of Items 25, 27 and 52.

Approve Minutes

2. Approve Minutes for the October 17, 2016 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (November 21, 2016)

3. Rapid City Catholic School System for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for December 2, 2016 at Rapid City Catholic School System, 2101 City Springs Rd Ste. 100
4. GMB Rushmore, LLC DBA GMB Rushmore, LLC (dba MRP Rushmore, LLC) dba MacKenzie River Grill & Pub, 1205 Eglin Street for a Retail (on-sale) Liquor TRANSFER from Slainte LLC DBA Murphy's Irish Pub (Inactive), 510 9th Street

2017 Package (off-sale) Liquor License Renewals

5. Lester Hospitality – Rapid City LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street for a Package (off sale) Liquor License
6. Fresh Start Convenience Stores Inc. DBA Don's Valley Market, 3343 Haines Ave for a Package (off sale) Liquor License
7. Fresh Start Convenience Stores Inc. DBA Fresh Start #31, 2215 Haines Ave for a Package (off sale) Liquor License

2017 Retail (on-sale) Liquor License Renewals

8. Lester Hospitality Rapid City LLC DBA Rushmore Plaza Holiday Inn, 505 N 5th Street for a Retail (on sale) Liquor License

Public Works Committee Consent Items

9. No. PW110116-01 – Confirm the reappointments of Tim Smith and Chris Wehrle and the new appointments of Brittany Neiles and Carol Evan Saunders to the Historic Preservation Commission.
10. No. PW110116-02 – Approve Change Order #1 to Reede Construction, Inc. for Mount Rushmore Road – Saint James Street to Kansas City Street, Project No. 13-2139 / CIP 50950 for an increase of $55,643.79.
11. No. PW110116-03 – Approve Change Order #1F to Highmark, Inc. for Jackson Springs Water Transmission Main, Project No. 09-1836 / CIP 50780 for a decrease of $1,674.60.
12. No. PW110116-04 – Approve Change Order #1F to Hills Materials Company for West Main Street Overlay Project – South Canyon Road to Soo San Drive, Project No. 15-2221 / CIP 50798 for an increase of $9,590.93.
13. No. PW110116-05 – Approve Change Order #2F to Hills Materials Company for Pavement Rehabilitation Project – E. Elk Street, Project No. 15-2300 / CIP 50844 for a decrease of $16,514.92.
14. No. PW110116-06 – Approve Corrected funding for Change Order #2F to Mainline Contracting for Countryside Subdivision Water System Conversion, Project No. 15-2257 / CIP 51086 for a decrease of $24,786.30.
15. No. PW110116-07 – Approved Corrected funding pages on Change Order #3F to Mainline Contracting, Inc. for 5th & Catron Blvd Traffic Signal and Utility Improvements, Project No. 13-2143 / CIP 51020 for a decrease of $36,685.77. The fund 0834 was listed rather than 0833.

16. No. PW110116-08 – Authorize Staff to Advertise for Bids for Five (5) New Current Model Year ½ ton 4x4 Extended Cab Short Box Pickups for Engineering and Water Departments.
17. No. PW110116-09 – Authorize Mayor and Finance Officer to Sign Amendment to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. for E. Custer Street Reconstruction & E. College Avenue Reconstruction, Project No. 14-2211 / CIP No. 50916 for an increase of $6,397.25.
18. No. PW110116-10 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Dakota Heartland Inc., DTH, LLC, and Doyle D. Estes and Kathryn Johnson for Sanitary Sewer and Water Main Easements for property located between Timmons Boulevard and Degeest Drive for the Rapid Valley Sanitary Sewer Bypass, Project No. 13-2076 / CIP No. 50911.
19. No. PW110116-11 – Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and HDR Engineering, Inc for Professional Services for Water Reclamation Facility (WRF) Process Reliability Improvements, Project No. 16-2342 / CIP No. 51141 in the amount of $76,567.00.
20. No. PW110116-12 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-081 Construction Fee Resolution for Seger Drive Reconstruction Dyess Ave to 143rd – Sanitary Sewer Frontage.

Resolution # 2016-081
CONSTRUCTION FEE RESOLUTION FOR SEGER DRIVE RECONSTRUCTION DYESS AVE TO 143RD AVE. – SANITARY SEWER FRONTAGE
PROJECT NO. 13-2086

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City's sewer utility; and

WHEREAS, a 24" sewer main was extended in Seger Drive per City Project No. 13-2086 and

WHEREAS, the properties fronting the new 24" sewer main have an obligation to pay for the 8" equivalent base cost of the new sanitary sewer main; and

WHEREAS, the total cost of constructing this sewer main was $1,696,891.50, of which $1,041,891.38 is for the 8" equivalent base cost; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main to be paid by the properties which will benefit from its construction prior to such properties being served by the City's sewer utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a front footage basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a front footage basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the equivalent of an 8" sanitary sewer main shown in City Project No. 13-2086.; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $101.90 per front footage to connect to the City's sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $1,041,891.38 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

21. No. PW110116-13 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-082 Construction Fee Resolution for Seger Drive Reconstruction Dyess Ave to 143rd – Sanitary Sewer Oversize.

Resolution # 2016-082
CONSTRUCTION FEE RESOLUTION FOR SEGER DRIVE RECONSTRUCTION DYESS AVE TO 143RD AVE. – SANITARY SEWER OVERSIZE
PROJECT NO. 13-2086

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City's sewer utility; and

WHEREAS, a 24" sewer main was extended in Seger Drive per City Project No. 13-2086 and

WHEREAS, the total oversized cost of constructing this sewer main was $1,696,891.50, of which $655,000.12 is for the sanitary sewer oversize; and

WHEREAS, the City's engineering staff had identified the total area that will benefit from construction of this sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's sewer utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the oversize cost of constructing the 24" sewer main shown in City Project No. 13-2086; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $644.95 per acre to connect to the City's sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $655,000.12 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

22. No. PW110116-14 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-083 Construction Fee Resolution for Seger Drive Reconstruction Dyess Ave to 143rd – Water Frontage.

Resolution # 2016-083
CONSTRUCTION FEE RESOLUTION FOR SEGER DRIVE RECONSTRUCTION DYESS AVE. TO 143RD AVE. – WATER FRONTAGE
PROJECT NO. 13-2086

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, a 12" water main was extended in street per City Project No. 13-2086 and

WHEREAS, the properties fronting the new 12" water main have an obligation to pay for the 8" equivalent base cost of the new water main; and

WHEREAS, the City's total cost of constructing this water main was $995,986.77, of which $826,888.01 is for the 8" equivalent base cost; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a front footage basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a front footage basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the equivalent for an 8" water main shown in City Project No. 13-2086.; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $107.30 per front footage to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $826,888.01 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

23. No. PW110116-15 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-084 Construction Fee Resolution for Seger Drive Reconstruction Dyess Ave to 143rd - Water Oversize.

Resolution # 2016-084
CONSTRUCTION FEE RESOLUTION FOR SEGER DRIVE RECONSTRUCTION DYESS AVE TO 143RD AVE – WATER OVERSIZE
PROJECT NO. 13-2086

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, an 12" water main was extended in Seger Drive per City Project No. 13-2086 and

WHEREAS, the City's total cost of constructing this water main was $995,986.77 of which $169,098.76 is for water oversize; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the oversize cost of constructing the 12" water main shown in City Project No. 13-2086; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $423.29 per acre to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $169,098.76 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

24. No. PW110116-16 – Approve corrected funding for Bid Award Recommendation for Project No. 15-2302 / CIP 50844.
26. No. PW110116-18 – Approve Award Bid to Jenner Equipment Company for One (1) New Current Year Compact Track Loader.
28. No. PW110116-20 – Authorize Mayor and Finance Officer to Sign Non-Exclusive, Perpetual Access Easement from SD Game, Fish & Parks for the public use trail at Cleghorn Fish Hatchery.
29. No. PW110116-21 – Authorize Mayor and Finance Officer to sign Agreement Between the City of Rapid City and BH Services for Parks Department Custodial Services beginning in January, 2017 and continuing through December 31, 2019 in the annual amount of $106,121.80.
30. No. PW110116-22 – Acknowledge Update on East Rapid City Water Users Region.
31. No. PW110116-23 – Authorize Mayor and Finance Officer to Sign Agreement Concerning Transfer of Water System Between Rainbow Water Company, Inc. and City of Rapid City.
32. No. PW110116-24 – Authorize Mayor and Finance Officer to Sign Agreement Concerning Transfer of Water System Between Terracotta Estates Homeowners Association and City of Rapid City.
33. No. PW110116-25 – Authorize Mayor and Finance Officer to Sign Resolution No. 2016-072, A Resolution Establishing a Surcharge for the East Rapid City Water Users Region.

Resolution No. 2016-072
A RESOLUTION ESTABLISHING A SURCHARGE FOR THE
EAST RAPID CITY WATER USERS REGION

WHEREAS the City of Rapid City has secured financing from the State of South Dakota to expand its water service system to allow the City to provide water service to the area shown on Exhibit A; and

WHEREAS the City and the State have entered into an agreement that details the financing package and the requirements of the parties; and

WHEREAS the financing package includes State grant funds, State SRF loan funds, and City utility support funds; and

WHEREAS, the City intends to recoup SRF loan funding component through the imposition of a surcharge; and

WHEREAS the City of Rapid City desires to impose the surcharge until such time as the SRF loan funds are recovered.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City that a surcharge be charged to certain water accounts as follows:

1. All new water accounts opened following approval of this Resolution that serve property in the service area shown on Exhibit A, attached hereto and incorporated herein by this reference, shall be subject to the surcharge.

    a. The property shown on Exhibit A as “East Rapid City Water Users Region (4230 acres)” shall be subject to the surcharge.

    b. Accounts serving property within this area that were opened prior to this Resolution shall not be subject to the surcharge unless the account-holder has agreed to such surcharge in a written agreement.

2. The amount of the surcharge shall be Sixty-five Dollars ($65.00) per month.

3. The surcharge shall be noted on each water bill, and shall be paid in addition to all other water rates and charges established by the Municipal Code.

4. Failure to pay the surcharge shall subject an account holder to disconnection of water service, in addition to all other remedies available to the City by law.

5. This monthly surcharge shall continue to be billed and collected until such time as the SRF loan funds to be recouped by the City have been collected. Once the funds have been recouped, the surcharge will be removed from the next billing cycle.

BE IT FURTHER RESOLVED by the Common Council of the City of Rapid City that the Finance Office is directed to establish a separate object code within the Water Enterprise Fund in which surcharge payments received shall be deposited and tracked at least annually.

BE IT FURTHER RESOLVED by the Common Council of the City of Rapid City that this Resolution is found and determined to be necessary for the immediate preservation of the public peace, health, and safety, and for the support of the municipal government and its existing public institutions, an emergency exists, and this Resolution shall take effect immediately upon its passage and publication according to law.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

34. No. PW110116-26 – Approve Form Early Connection Water Service Agreement for Property Located in the East Rapid City Water Users Region (Terracotta Estates HOA).
35. No. PW110116-27 – Approve Form Early Connection Water Service Agreement for Property Located in the East Rapid City Water Users Region (Rainbow Water Company, Inc.).
36. No. PW110116-28 – Approve Form Early Connection Water Service Agreement for Property Located in the East Rapid City Water Users Region (Generic).
37. No. PW110116-29 – Approve Form Water Service Agreement for Property Located in East Rapid City Water Users Region.

Legal & Finance Committee Consent Items

38. No. LF110216-07 – Confirm the Re-Appointment of Jaqueline Gerry and New Appointment of Diane Cleveland to the Human Relations Commission
39. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Karen Collins
40. Set a Special Council Meeting for December 27, 2016 at 12:30 p.m. to Pay the Final Bills of the Year
41. No. LF110216-01 – Authorize Mayor and Finance Officer to Sign an Amendment with Tyler Technologies for Decrease of $734.75 in Recognition of the Maintenance and Support Fees that were Previously Paid for the Period of September 7, 2016 through May 27, 2017 for the Removal of the Applicant Tracking Module
42. No. LF110216-02 – Acknowledge August 2016 Sales Tax Report
43. No. LF110216-03 – Acknowledge September 2016 General Fund Cash Balance Report

44. No. LF110216-06 – Approve Resolution No. 2016-080 Resolution Declaring Miscellaneous Personal Property Surplus

Resolution # 2016-080
RESOLUTION DECLARING MISCELLANEOUS PERSONAL 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:

From: Streets
For Trade in – Eddie's Truck Center:
1976 GMC CE61403, VIN TCE616V577513

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 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

45. No. LF110216-08 – Approve Resolution No. 2016-074 Authorizing 2017 Non-Union Benefitted Employee Salary Adjustments

RESOLUTION NO. 2016-074
RESOLUTION TO AUTHORIZE SALARY ADJUSTMENTS
FOR NON-UNION BENEFITTED EMPLOYEES IN 2017

WHEREAS, the City of Rapid City will need accurate wage estimates for 2017; and

WHEREAS, the City has completed contract negotiations with the City's various bargaining units that cover 2017; and

WHEREAS, wage adjustments for the City's non-union benefitted employees have not yet been authorized by the City Council for 2017.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City, that the City's non-union benefitted employees will receive a step increase on January 1, 2017 and a cost of living adjustment on July 1, 2017. The step increase will be equivalent to a two and a half percent (2.5%) increase for those employees who are between step 1 and 17 on the City's non-union pay matrix. Those employees between steps 18 and 33 on the City's non-union pay matrix will receive a step increase equivalent to one and a quarter percent (1.25%). The cost of living increase will be given as a pay matrix adjustment based on a formula. The cost of living increase will be twenty-five percent (25%) of the City's

sales tax percentage increase for the year of 2016 with a minimum half percent (.5%) and a maximum of two and a half percent (2.5%).

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

46. No. LF110216-10 – Authorize Mayor and Finance Officer to Sign a Three Year Contract with ESRI for an Enterprise License Agreement for GIS Software
47. No. LF110216-12 – Approve Request for Canyon Lake Senior Center to Receive $25,209.23 of the FY 2016 Community Development Block Grant (CDBG) Contingency Funds and Authorize Mayor and Finance Officer to Sign the CDBG Contract
48. No. LF110216-13 – Approve FY 2017 CDBG Annual Action Plan (AAP) Preliminary Funding Recommendations
49. No. LF110216-14 – Approve Human Services Subsidy Funds Allocations
50. No. LF110216-15 – Approve Request for Cornerstone Rescue Mission to Receive $38,765.77 of the FY 2016 Community Development Block Grant (CDBG) Contingency Funds and Authorize Mayor and Finance Officer to Sign the Amendment to Cornerstone's FY 2015 CDBG Contract
51. No. LF110216-16 – Authorize Mayor and Finance Officer to Sign the Amended Contract for Construction of Public Improvements Through Private Developer Tax Increment District Number Seventy with Alta Terra Development, LLC

Community Planning & Development Services Department Consent Items

53. No. 16CA004 – Resolution 2016-053 to approve a request by City of Rapid City for an Amendment to the Comprehensive Plan to revise the Major Street Plan.

RESOLUTION NO. 2016-053
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 7th day of November, 2016, 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 change the Major Street Plan by realigning a proposed principal arterial street located in Section 32, Township 1 North, Range 8 East, Pennington County, BHM, realigning a proposed collector street and removing a proposed minor arterial street located in Sections 1, 2, 3, 10, 11, and 12, Township 1 North, Range 6 East, Pennington County, BHM, and Section 7, Township 1 North, Range 7 East, Pennington County, BHM, realigning a collector street located in Section 7, Township 1 North, Range 8 East, Rapid City, BHM, realigning a proposed collector street located in Section 2, Township 1 North, Range 8 East, Pennington County, BHM, and realigning proposed collector streets located in Sections 20, 21, and 22, Township 2 North, Range 8 East, Rapid City, Pennington County, BHM; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Comprehensive Plan be amended by changing the Major Street Plan by realigning a proposed principal arterial street located in Section 32, Township 1 North, Range 8 East, Pennington County, BHM, realigning a proposed collector street and removing a proposed minor arterial street located in Sections 1, 2, 3, 10, 11, and 12, Township 1 North, Range 6 East, Pennington County, BHM, and Section 7, Township 1 North, Range 7 East, Pennington County, BHM, realigning a collector street located in Section 7, Township 1 North, Range 8 East, Rapid City, BHM, realigning a proposed collector street located in Section 2, Township 1 North, Range 8 East, Pennington County, BHM, and realigning proposed collector streets located in Sections 20, 21, and 22, Township 2 North, Range 8 East, Rapid City, Pennington County, BHM, as attached to the original hereof be filed with the City Finance Office.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Bid Award Consent Items

54. No. CC110716-02.1 - Approve award of Schedule 2 for Oak Avenue Water Main Reconstruction, Project No. 16-2351 / CIP No. 51144 opened on November 1, 2016 to the lowest responsible bidder, R.C.S. Construction, Inc. in the amount of $110,196.05.

END OF CONSENT ITEMS

Mayor read in item (No. PW110116-17) Authorize Staff to Purchase a slow speed grinder for the Solid Waste Material Recovery Facility utilizing the specification and bids from City of Gering, Nebraska from August 18, 2016 in the amount of $709,875.00. In response to a question from Drew, Merbach said that the grinder is a portable unit that runs off of diesel fuel. He said it does not grind shingles. He said an alternative to bringing the shingles to the landfill, would be to take them to Hills Materials. He said the primary goal is to reduce the volume of bulky materials at the landfill. This machine will allow a lot of space to be saved at the landfill. Motion was made by Wright, second by Salamun and carried to approve.

Mayor read in item (No. PW110116-19) Authorize staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations. Estimated cost: $50,000.00. In response to a question from Drew, Tech said the City goes out for bids to outside contractors for snow removal that the city can't get to right away when the city has big snow storms. Wright said the outside contractors get to the places that the city can't get to right away. He said it is money well spent. Motion was made by Drew, second by Laurenti and carried to approve.

Mayor read in item (No. LF110216-11) Acknowledge Report from Staff on Cemetery Monuments Realignment Project. Wright stated that the City received two donations from families in Rapid City to help do some cemetery repairs. Lon VanDuesen, Parks Director, addressed the Council. He stated the total of the donations was $37,550.00 and four phases of repair have been completed. There is a balance of $10,765.00. He said the balance would be used to fix between 50-70 additional markers.

Motion was made by Wright, second by Laurenti to acknowledge the report. Wright said the Parks Department did a good job getting these repairs done. He thanked the benefactors for their donation. He encouraged Council to look at future maintenance of the cemeteries at future budget hearings. Motion passed 10-0.

NON-CONSENT ITEMS

Ordinances

Ordinance 6147 (No. LF110216-05) An Ordinance Regarding Supplemental Appropriation #4 for 2016. Motion was made by Roberts, second by Wright and carried that Ordinance 6147 be placed on its first reading and title was fully and distinctly read.

Ordinance 6146 (No. 16RZ033) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by FMG, Inc. for Holiday Stationstores, Inc. for a Rezoning from Low Density Residential District to General Commercial District for property generally described as being located northwest of E. SD Highway 44 and Elk Vale Drive. Motion was made by Roberts, second by Wright that Ordinance 6146 be placed on its first reading and title was fully and distinctly read. In response to a question from Modrick, Landeen said there are some attachments to this item that shouldn't be linked. He said that Council should disregard any attachments concerning the Planned Development designation, as well as, the sign exception. He said those items are not currently part of this rezone request. Motion carried 10-0.

Legal & Finance Committee Items

Motion was made by Roberts, second by Laurenti and carried to (No. LF110216-04) Continue Resolution No. 2016-079 Creation of Budget Analyst Position, to the November 16, 2016 Legal and Finance Meeting.

Community Planning & Development Services Department Items

Doyle read in item (No. 16PL093) A request by Fisk Land Surveying and Consulting Engineers, Inc for Pamela P. Phillips for a Preliminary Subdivision Plan for proposed Lots 49A and 49B of Lot D of Sweetbriar Heights, generally described as being located at 2465 Covington Street. Motion was made by Doyle, second by Estes and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Covington Street shall be submitted for review and approval showing the installation of street light conduit. In addition, the plat document shall be revised continue to show the dedication of 4 additional feet of right of way along Covington Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 2. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 3. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 4. Prior to submittal of a Final Plat application, the plat title shall be revised to show "Sweetbriar Heights Subdivision" as "Sweetbriar Heights"; 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; and, 6. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Doyle read in item (No. 16PL094) A request by Renner Associates LLC for HDRK Properties LLC for a Preliminary Subdivision Plan for proposed Lot 3 of Tract C of Rushmore Center, generally described as being located lying east of Luna Avenue. Motion was made by Doyle, second Salamun to approve with stipulations. In response to a question from Modrick, Tech said he believed the access/non-access exception was approved so the item has been addressed. The stipulations are as follows: 1. Upon submittal of a Development Engineering Plan application, construction plans for the 45 foot wide Access and Utility Easement shall be submitted for review and approval showing the easement with a minimum

width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 4 additional feet of right-of-way along Luna Avenue or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, the benefit area and future use of the existing sewer stub located in the northeast corner of Lot 3 of Tract C shall be analyzed to determine if a stub can or may be used in the future. If the sewer stub will be used for this lot or future development, it must be extended/terminated in compliance with City Criteria and specifications. If the sewer stub is not needed or used, then it shall be abandoned at the Manhole-AE#1; 4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 5.Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required; 6. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the infrastructure Design Criteria Manual; 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9.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, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). Motion carried 10-0.

Doyle read in item (No. 16PL095) A request by FMG Inc. for ARM Land LLC for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Granite Subdivision, generally described as being located north of Omaha Street between Waterloo Street and Racine Street. Motion was made by Doyle, second by Salamun and carried to approve with the following stipulations: Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for E. Omaha Street shall be submitted for review and approval showing a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Racine Street shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that ½ of the required right-of-way is being dedicated from this property or an Exception shall be obtained. In addition, the construction plans shall show the street constructed with sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans

for Waterloo Street shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with 10 additional feet of right-of-way the first 200 feet as it extends north from E. Omaha Street, a principal arterial street, or additional right-of-way shall be dedicated to ensure that ½ of the required right-of-way is being dedicated from this property or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for the shared access easement shall be submitted for review and approval showing the street located in a minimum 70 foot wide right-of-way with an additional 10 feet of right-of-way from the intersection of E. Omaha Street north a distance of 200 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required; 8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the infrastructure Design Criteria Manual; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 11. Prior to submittal of a Final Plat application, the plat document shall be revised removing the non-access easement designation(s); 12. Prior to submittal of a Final Plat application, the structural encroachment into E. Omaha Street right-of-way on proposed Lot 2 shall be resolved with the South Dakota Department of Transportation; 13. Prior to submittal of a Final Plat application, the plat shall be revised to show the vacation of a portion of the 8 foot wide minor drainage and utility located on proposed Lot 2 for that area that is currently encroached upon by an existing commercial structure. In addition, written correspondence from all of the affected utility companies shall be submitted with the Final Plat application indicating concurrence with the vacation request; 14. Prior to submittal of a Final Plat application, the applicant shall coordinate with the property owner of Lot 1R of Eastbrook Subdivision to abandon the sewer service that crosses proposed Lots 1 and 2 from E. Omaha Street to Lot 1R of Eastbrook Subdivision. In addition, the plat document shall be revised to show the vacation of the existing 20 foot wide sewer easement located along the common lot line between proposed Lots 1 and 2; 15. Prior to submittal of a Final Plat application, the plat title shall be revised to show the "Located in" as Government Lot 3 of Section 6 instead of NE1/4NW1/4 of Section 6; 16. Prior to submittal of a Final Plat application, the plat certificates shall be revised to include "Final Plat" certificates in lieu of "Lot Line Adjustment-Consolidation Plat" certificates; 17. 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, 18. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Doyle read in item (No. 16PL097) A request by KTM Design Solutions, Inc for Rapid Center LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 4 of East Mall Drive Commercial Park, generally described as being located southeast of the intersection of Mall Drive and Dyess Avenue. Motion was

made by Doyle, second by Scott and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval showing the dedication of a minimum 35 feet of right-of-way from the center of the section line highway with an additional 5 feet of right-of-way from the center of the section line the first 200 feet as it extends south from E. Mall Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water to the southern plat boundary or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for E. Mall Drive shall be submitted for review and approval showing a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development; 4. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual; 5. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required; 7. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the infrastructure Design Criteria Manual; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 10. Upon submittal of a Final Plat application, a Covenant Agreement shall be provided identifying maintenance and ownership of any proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all drainage improvements; 11. 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, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Doyle read in item (No. 16PL098) A request by KTM Design Solutions, Inc. for Pro-Mark Services, Inc. for a Preliminary Subdivision Plan for proposed Lots 22A through 22J of Marlin Industrial Park, generally described as being located in the northeast quadrant of the Creek Drive and Marlin Drive intersection. Motion was made by Doyle, second by Scott and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, redlined comments shall be addressed. In addition, the redlined comments shall be returned with the Development Engineering Plan application; 2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow an access easement to serve more than four lots or the plat document shall be revised to show the proposed access and utility easement as right-of-way. If an Exception is obtained, a Road

Maintenance Agreement for the easement shall be submitted for recording upon submittal of a Final Plat application; 3. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Marlin Drive shall be submitted for review and approval showing the dedication of an additional 9.5 feet of right-of-way for a distance of 200 feet from the intersection of Creek Drive, an arterial street. The balance of Marlin Drive as it abuts the property shall show the dedication of 4.5 additional feet of right-of-way. In addition, the construction plans shall show the installation of 8 additional feet of paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval for all subdivision improvements. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval; 8. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the infrastructure Design Criteria Manual; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 11. 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, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Alcoholic Beverage License Applications (Items 63-148)

2017 Retail (On Sale) Liquor License Renewals

63. Retsel Inc. DBA Grand Gateway Hotel/Cheers, 1721 N Lacrosse Street for a Retail (on sale) Liquor License
64. Rushmore Cuisine Inc. DBA Ruby Tuesday, 821 Fairmont Blvd for a Retail (on sale) Liquor License
65. Shooters Inc. DBA Shooters, 2504 W Main Street for a Retail (on sale) Liquor License
66. MG Oil Company DBA Clock Tower Lounge, 2525 W Main Street for a Retail (on sale) Liquor License
67. RC Boston Company LLC DBA Boston's Restaurant and Sports Bar, 620 E Disk Drive for a Retail (on sale) Liquor License
68. Calm Waters LLC DBA Great American Grill, 815 E Mall Drive for a Retail (on sale) Liquor License
69. Meadowood Lounge Inc. DBA Meadowood Lounge, 3809 Sturgis Rd for a Retail (on sale) Liquor License

70. Lacrosse Hospitality Management LLC DBA Ramada, 1902 N Lacrosse Street for a Retail (on sale) Liquor License
71. Dakotah Steakhouse LLC DBA Dakotah Steakhouse, 1325 N Elk Vale Rd for a Retail (on sale) Liquor License
72. Fraternal Order of Eagles DBA Rapid City Aerie No. 3555, 1410 Centre Street for a Retail (on sale) Liquor License
74. Slainte LLC DBA Murphy's Pub & Grill (RL-5325), 510 9th Street for a Retail (on sale) Liquor License
75. Texas Roadhouse Holdings LLC DBA Texas Roadhouse, 2106 N Maple Ave for a Retail (on sale) Liquor License
76. Rickar, LLC DBA Brass Rail, 624 Saint Joseph Street for a Retail (on sale) Liquor License
77. Blue Lantern Lounge Inc. DBA Blue Lantern Lounge, 1200 E St Patrick St for a Retail (on sale) Liquor License
78. Slainte LLC DBA Murphy's Irish Pub (Inactive, RL-5868) 510 9th Street for a Retail (on sale) Liquor License
79. Tady LLC DBA Teddys Sports Grill, 826 Main Street for a Retail (on sale) Liquor License
80. Kelly's Sports Lounge Inc. DBA Kelly's Sports Lounge, 825 Jackson Blvd for a Retail (on sale) Liquor License
81. ERJ Dining IV LLC DBA Chili's Grill & Bar, 2125 N Haines Ave for a Retail (on sale) Liquor License
82. KOL LLC DBA KOL, 504 Mt. Rushmore Rd for a Retail (on sale) Liquor License
83. Sodak Mex I Inc. DBA On the Border, 1331 E North Street for a Retail (on sale) Liquor License
84. Red Rock Golf Club LLC DBA Red Rock Golf Club, 6520 Birkdale Dr. for a Retail (on sale) Liquor License
85. Robbinsdale Entertainment Center LLC DBA Robbinsdale Lounge, 801 E St Patrick Street for a Retail (on sale) Liquor License
86. B&B Kelley LLC DBA Historic Freight House, 306 7th Street for a Retail (on sale) Liquor License
87. Rapid City Elks Club DBA Elks Lodge #1187, 3333 E 39th Street for a Retail (on sale) Liquor License
88. American Legion DBA American Legion, 818 E St Patrick Street for a Retail (on sale) Liquor License
89. LaCroix Investments Inc. DBA Time Out Lounge, 615 E North Street for a Retail (on sale) Liquor License
90. Rushmore Plaza Civic Center Board DBA Rushmore Plaza Civic Center, 444 Mt. Rushmore Rd N for a Retail (on sale) Liquor License

2017 Retail (On Sale) Liquor – Restaurant License Renewals

91. Black Hills BBQ Inc. DBA Famous Dave's BBQ, 1718 Eglin Street for a Retail (on sale) Liquor – Restaurant License

2017 Package (Off Sale) Liquor License Renewals

92. MG Oil Company DBA Corner Pantry – Lacrosse, 2130 Lacrosse Street for a Package (off sale) Liquor License
93. Smith's Liquor Gallery Inc. DBA Smith's Liquor Gallery, 2218 Jackson Blvd Suite 1 for a Package (off sale) Liquor License
94. Sam's West Inc. DBA Sam's Club #6565, 925 Eglin Street for a Package (off sale) Liquor License
95. Fresh Start Convenience Stores Inc. DBA Fresh Start Convenience Stores Inc., 3275 Cambell Street for a Package (off sale) Liquor License
96. Thrifty Smoke Shop Inc. – Kurt Schimmer DBA Thrifty Smoke Shop, 718 E St Patrick Street for a Package (off sale) Liquor License
97. Thrifty Smoke Shop Inc. – Kurt Schimmer DBA Thrifty Smoke Shop III, 1101 W Omaha #3 for a Package (off sale) Liquor License

98. Moyle Petroleum Company DBA Sheridan Lake Common Cents, 2808 Sheridan Lake Blvd for a Package (off sale) Liquor License
99. Mills Drug Inc. DBA Boyds Liquor Mart, 1424 Mt Rushmore Rd for a Package (off sale) Liquor License
100. Moyle Petroleum Company DBA North Street Smoke Shop, 634 E North Street for a Package (off sale) Liquor License
101. Retsel Inc. DBA Grand Gateway Hotel/Cheers, 1721 N Lacrosse Street for a Package (off sale) Liquor License
102. Canyon Lake Liquors LTD DBA Canyon Lake Liquor, 4244 Canyon Lake Drive for a Package (off sale) Liquor License
103. B & L Inc. DBA Boyds Liquor Mart Westside, 655 Mountain View Rd for a Package (off sale) Liquor License
104. B & L Inc. DBA Boyds Liquor Mart Eastside, 909 E St Patrick Street Suite 1 for a Package (off sale) Liquor License
105. Fresh Start Convenience Stores Inc. DBA Don's Valley Market, 747 Timmons Blvd for a Package (off sale) Liquor License
106. Fresh Start Convenience Stores Inc. DBA Fresh Start – Rapid Valley, 3888 E Highway 44 for a Package (off sale) Liquor License
107. Wal-Mart Stores Inc. DBA Wal-mart Supercenter #1604, 1200 N Lacrosse Street for a Package (off sale) Liquor License
108. Wal-Mart Stores Inc. DBA Walmart #3872, 100 Stumer Rd for a Package (off sale) Liquor License
109. Skyway Enterprises Inc. DBA Americinn Motel, 1632 Rapp Street for a Package (off sale) Liquor License
110. Wisdom Inc. DBA Country Inn & Suites by Carlson – RC, 2321 N Lacrosse Street for a Package (off sale) Liquor License
111. Fischers Inc. DBA Autumn Hills Liquor, 5312 Sheridan Lake Road for a Package (off sale) Liquor License
112. LaCroix Investments Inc. DBA Bus's Bottle Shop, 615 E North Street for a Package (off sale) Liquor License

2017 Retail (On-Off Sale) Wine License Renewals

113. Moyle Petroleum Company DBA Orchard Meadows Common Cents, 3501 E Hwy 44 for a Retail (on-off sale) Wine License
114. Moyle Petroleum Company DBA Common Cents – Rushmore Road, 2660 Mt Rushmore Rd for a Retail (on-off sale) Wine License
115. Moyle Petroleum Company DBA Common Cents #107, 4128 Jackson Blvd for a Retail (on-off sale) Wine License
116. Moyle Petroleum Company DBA Omaha St Common Cents, 1129 E Omaha St for a Retail (on-off sale) Wine License
117. Moyle Petroleum Company DBA Lacrosse Common Cents, 1909 N. Lacrosse Street for a Retail (on-off sale) Wine License
118. Rui Feng Inc. DBA Rui Feng Inc. – Great Wall, 315 E North St. for a Retail (on-off sale) Wine License
119. Rui Feng Inc. DBA Rui Feng Inc. – Imperial, 702 E North St for a Retail (on-off sale) Wine License
120. Museum Alliance of Rapid City Inc. DBA The Journey Museum, 222 New York St for a Retail (on-off sale) Wine License
121. Jillian M Steen DBA Love Struck Bridal Boutique, 804 Saint Joseph St for a Retail (on-off sale) Wine License
122. LC Beer LLC DBA Lost Cabin Beer Co., 1401 W Omaha Street for a Retail (on-off sale) Wine License
123. Fuji Japanese Steak House Inc. DBA Fuji Japanese Steak House, 1731 Eglin Street for a Retail (on-off sale) Wine License

124. Kathmandu Bistro LLC DBA Kathmandu Bistro, 727 Main Street for a Retail (on-off sale) Wine License
125. Robert W Johnson DBA Canyon Lake Pub & Casino, 4116 Jackson Blvd for a Retail (on-off sale) Wine License
126. Dakotah Steakhouse LLC DBA Dakotah Steakhouse, 1325 N Elk Vale Rd for a Retail (on-off sale) Wine License
127. Target Corporation DBA Target Store T-2457, 1415 Eglin St for a Retail (on-off sale) Wine License
128. Piesano's Pacchia Inc. DBA Piesano's Pacchia, 3618 Canyon Lake Drive #121 for a Retail (on-off sale) Wine License
129. Independent Ale House LLC DBA Independent Ale House, 625 Saint Joseph Street for a Retail (on-off sale) Wine License
130. Chrisbro LLC DBA Hampton Inn, 1720 Rapp Street for a Retail (on-off sale) Wine License
131. Pure Bliss LLC DBA A Perfect 10, 1745 Eglin St Suite 770 for a Retail (on-off sale) Wine License
132. Pure Bliss LLC DBA A Perfect 10, 1109 W Omaha Suite B for a Retail (on-off sale) Wine License
133. Pure Bliss LLC DBA A Perfect 10 Nail & Beauty Bar, 36 E Stumer Rd Suite 118 for a Retail (on-off sale) Wine License
134. Golden Fortune Inc. DBA Golden Fortune Inc., 1118 E North Street for Retail (on-off sale) Wine License
135. Hana Corp DBA Hana, 3550 Sturgis Rd for a Retail (on-off sale) Wine License
136. Trifecta Group LLC DBA Delmonico Grill, 609 Main Street for Retail (on-off sale) Wine License
137. Late Harvest Inc. DBA Tally's Silver Spoon, 530 6th Street for Retail (on-off sale) Wine License
138. Main Street Square Inc. DBA Main Street Square, 526 Main Street for Retail (on-off sale) Wine License
139. Everest Cuisine LLC DBA Everest Cuisine, 2328 W Main Street for Retail (on-off sale) Wine License
140. Canvas 2 Paint Inc. DBA Canvas 2 Paint, 632 St Joseph Street for Retail (on-off sale) Wine License
141. Sumo Corp DBA Sumo Corp, 214 E Saint Joseph Street for Retail (on-off sale) Wine License
142. Rumours Inc. DBA Rumours, 5509 Bendt Drive Ste 305 for Retail (on-off sale) Wine License
143. S&Y Inc. DBA Golden Phoenix Restaurant, 2421 W Main Street for Retail (on-off sale) Wine License
144. Someone's in the Kitchen DBA Someone's in the Kitchen, 2210 Haines Ave for a Retail (on-off sale) Wine License
145. 168 Inc. DBA China Luck Chinese Cuisine, 740 Mountain View Rd for a Retail (on-off sale) Wine License
146. Platinum Restaurant Group Inc. DBA Marcos Pizza #4010, 4040 Cheyenne Blvd Suite A for a Retail (on-off sale) Wine License
147. Dadah Kids Corp. DBA Pauly's Saint Patrick Street, 1624 E St Patrick Street Suite 101 for a Retail (on-off sale) Wine License
148. Vita Sana Olive Oil Company LLC DBA Vita Sana Olive Oil Company, 627 St Joseph Street for a Retail (on-off sale) Wine License

Motion was made by Estes, second by Laurenti to approve Items 63-148 except Item 73. Estes said he needed to abstain from Item 73. Motion carried 10-0.

Motion was made by Scott, second by Wright to approve Item 73. Motion carried 9-0 with Estes abstaining.

Staff Items

Mayor read in item (CC110716-03) Approve Resolution 2016-088 Acknowledging Correction to the October 3, 2016 City Council Minutes. Motion was made by Scott, second by Drew to approve. In

response to a question from Scott, Sumption clarified that the legal description was wrong and needed to be corrected. Motion carried 10-0.

RESOLUTION NO. 2016-088
RESOLUTION ACKNOWLEDGING CORRECTIONS
TO THE OCTOBER 3, 2016 COUNCIL MINUTES

WHEREAS, on October 3, 2016 the City Council approved Resolution 2016-064; and

WHEREAS, the minutes of the October 3, 2016 Council meeting were approved on October 17, 2016; and

WHEREAS, the motion approving the October 3, 2016 Resolution 2016-064 (16AN003) legal description reads "That portion of railroad right-of-way lying adjacent to tracts A, B and C of Orchard Meadows Subdivision; that portion of South Dakota Highway 44 right-of-way lying adjacent to Lots 8-14 and Lots A, B, and C of Lot 15, all in Stekl Subdivision, and adjacent to the W1/2 of Lot 4 of the SE1/4 of the NE1/4, Lot B of Lot 4 of the SE1/4 of the NE1/4, and Lot A of Lot 6 of the SE1/4 of the NE1/4, in Section 9, T1N, R8E, BHM; Lot H1 of the SE1/4 of the NE1/4 of Section 9, T1N, R8E, BHM and that portion of South Dakota Highway 44 right-of-way lying easterly of the extension of the centerline of Twilight Drive right-of-way all lying in the NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota", and

WHEREAS, the motion approving the October 3, 2016 Resolution 2016-064 (16AN003) legal description should have read "That portion of railroad right-of-way lying adjacent to tracts **AR, BR and C** of Orchard Meadows Subdivision; that portion of South Dakota Highway 44 right-of-way lying adjacent to Lots 8-14 and Lots A, B, and C of Lot 15, all in Stekl Subdivision, and adjacent to the W1/2 of Lot 4 of the SE1/4 of the NE1/4, Lot B of Lot 4 of the SE1/4 of the NE1/4, and Lot A of Lot 6 of the SE1/4 of the NE1/4, in Section 9, T1N, R8E, BHM; Lot H1 of the SE1/4 of the NE1/4 of Section 9, T1N, R8E, BHM and that portion of South Dakota Highway 44 right-of-way lying easterly of the extension of the centerline of Twilight Drive right-of-way all lying in the NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota"

NOW, THEREFORE BE IT RESOLVED, by the City Council, that the motion should reflect tracts AR, BR and C of Orchard Meadows Subdivision, in the official minutes of the October 3, 2016 meeting.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

CONSENT PUBLIC HEARING ITEMS – Items 150 – 153
Motion was made by Estes, second by Salamun and carried to approve items 150-152.

Community Planning & Development Services Department Items (NONE)
Alcohol Licenses

150. Dakota T&R LLC dba Dakota Best Wine and Gifts, 2200 N Maple Ave, Suite 242, for Retail (on-off sale) Wine and Package (off-sale) Malt Beverage & SD Farm Wine TRANSFER from Dakota's Best & Brown Bag Deli Inc. dba Dakota Best, 2200 N Maple Ave, Suite 242

151. Rapid City Chamber of Commerce for a SPECIAL EVENT Malt Beverage License and Wine License for an Event Scheduled for November 17, 2016 at Freed's Fine Furnishings, 3645 Sturgis Road
152. Green Bean LLC DBA Harriet Café, 329 Main Street for a Retail (on-off sale) Malt Beverage License

Assessment Rolls

Mayor read in item (No. LF110216-09) Approve Resolution No. 2016-070B a Resolution Levying Assessment for Cleanup of Miscellaneous Property. Motion was made by Nordstrom to continue to the November 21, 2016 City Council Meeting. In response to a question from Scott, Sumption stated that the item was added to this agenda prematurely. Since it is a public hearing item, it needs to be on the correct agenda. Second was made by Scott. Motion carried 10-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 154 – 155

Ordinance 6144 (No. 16RZ031) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Wyss Associates, Inc. for Watershed Development, LLC for a **Rezoning from No Use District to Low Density Residential District II** for property generally described as being located northwest of the intersection of Poppy Trail and Dunsmore Road having passed the first reading on October 17, 2016 motion was made by Roberts, second by Laurenti that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6144 was declared duly passed upon its second reading.

Ordinance 6145 (No. 16RZ032) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions Inc for Hagg Brothers, LLC for a **Rezoning from General Commercial District to Office Commercial District** for property generally described as being located north of Sammis Trail having passed the first reading on October 17, 2016 motion was made by Estes, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6145 was declared duly passed upon its second reading.

BILLS

The following bills have been audited.

BILLIST - NOVEMBER 7, 2016

P/ROLL PERIOD END 10/15/16, PD 10/21/16	1,030,908.30
P/ROLL PERIOD END 10/31/16, PD 10/31/16	1,617,941.16
CDEV P/ROLL PERIOD END 10/15/16, PD 10/21/16	3,195.23
P/ROLL PERIOD END 10/29/16, PD 11/04/16	1,010,184.61
CDEV P/ROLL PERIOD END 10/29/16, PD 11/04/16	3,195.23
PIONEER BANK & TRUST, 10/15/16 P/ROLL TAXES & BENEFITS, PD 10/21/16	254,696.64
CDEV PIONEER BANK & TRUST, 10/15/16 P/ROLL TAXES & BENEFITS, PD 10/21/16	862.29
PIONEER BANK & TRUST, 10/31/16 P/ROLL TAXES & BENEFITS, PD 10/31/16	400,622.26
PIONEER BANK & TRUST, 10/29/16 P/ROLL TAXES & BENEFITS, PD 11/04/16	252,031.16
CDEV PIONEER BANK & TRUST, 10/29/16 P/ROLL TAXES & BENEFITS, PD 11/04/16	860.28
SOUTH DAKOTA RETIREMENT SYSTEM, OCT16 RETIREMENT, PD 11/03/16	446,384.51
SD RETIREMENT SYSTEM- SPECIAL PAY PLAN FEES-STONE, PD 10/21/16	45.00
SOUTH DAKOTA DEPARTMENT OF REVENUE, SALES TAX PAYABLE PD 10/21/16	37,889.35
SOUTH DAKOTA DEPARTMENT OF REVENUE, EXCISE TAX PAYABLE PD 10/21/16	346.47

SOUTH DAKOTA DEPARTMENT OF REVENUE,	
CCTR SALES TAX PAYABLE PD 10/21/16	5,540.17
WELLMARK INC, HEALTH CLAIMS THROUGH 10/07/16, PD 10/13/16	98,114.15
WELLMARK INC, HEALTH CLAIMS THROUGH 10/14/16, PD 10/20/16	109,747.39
WELLMARK INC, HEALTH CLAIMS THROUGH 10/21/16, PD 10/27/16	85,189.78
WELLMARK INC, HEALTH CLAIMS THROUGH 10/28/16, PD 11/03/16	118,209.81
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/17/16, PD 10/18/16	2,505.25
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/24/16, PD 10/25/16	2,805.06
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/31/16, PD 11/01/16	2,714.45
US BANK, CREDIT CARD CHARGES, PD 11/02/16	36,476.44
1ST NATIONAL BANK IN SIOUX FALLS SRF	
DRINKING WATER #2 PRINC/INT, PD 10/14/16	105,933.32
1ST NATIONAL BANK IN SIOUX FALLS SRF CLEAN WATER #6 PRINC/INT, PD 10/14/16	84,583.36
1ST NATIONAL BANK IN SIOUX FALLS, 2011B WASTEWATER	
BOND PYMT, PD 10/14/16	84,135.44
BANK WEST, TID54 RAINBOW RIDGE, PD 10/19/16	5,430.14
BANK WEST, TID65 MINNESOTA ST, PD 10/19/16	7,193.85
BANK WEST, TID56 RUSHMORE CROSSING, PD 10/19/16	12,259.66
BANK WEST, TID47 TOWER RD, PD 10/19/16	44,232.33
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 10/19/16	5,302.77
CITY OF RAPID CITY, TID39 ANAMOSA/AR GROUP, PD 10/19/16	17,463.19
CITY OF RAPID CITY, TID64 CABELA'S, PD 10/19/16	43,549.48
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 10/19/16	2,335.17
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 10/19/16	14,066.65
FIRST INTERSTATE BANK, TID39 ANAMOSA/AR GROUP, PD 10/19/16	17,463.20
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/26/16	11,468.04
BLACK HILLS ENERGY, ELECTRICITY, PD 10/26/16	126,515.42
BERKLEY ASSIGNED RISK SERVICES, OCT16 CLAIMS, PD 11/02/16	29,787.57
SOUTH DAKOTA DEPARTMENT OF LABOR,	
UNEMPLOYMENT INS BENEFITS, PD 10/26/16	12,342.66
COMPUTER BILL LIST	2,340,813.36
CDEV COMPUTER BILL LIST	119,747.63
SUBTOTAL	8,605,088.23
RSVP, P/ROLL PERIOD END 10/15/16, PD 10/21/16	3,273.59
RSVP, P/ROLL PERIOD END 10/29/16, PD 11/04/16	3,273.60
RSVP, 10/15/16 P/ROLL TAXES & BENEFITS, PD 10/21/16	982.72
RSVP, 10/29/16 P/ROLL TAXES & BENEFITS, PD 11/04/16	975.63
RSVP, COMPUTER BILL LIST	88.85
TOTAL	8,613,682.62

Sumption presented the bill list total of $8,613,682.62. Motion was made by Roberts, second by Laurenti and carried to authorize (No. CC110716-01) the Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Estes, second by Laurenti and carried to adjourn the meeting at 7:46 p.m.

Dated this 7th day of November, 2016.

CITY OF RAPID CITY

ATTEST:

_____

Mayor

_____

Finance Officer

(SEAL)