

PREPARED BY: City Attorney's Office
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Rapid City, SD 57701
(605) 394-4140

SUMMARY OF ADOPTION ACTION

Amendment to the Comprehensive Plan

On August 15, 2016, the Rapid City Council approved an amendment to the Comprehensive Plan. The amendment will revise the Comprehensive Plan to revise the Major Street Plan. Copies of the Comprehensive Plan and amendments are available for public inspection at the Rapid City Finance Office, 300 Sixth Street, Rapid City, South Dakota during regular business hours, Monday through Friday, from 7:30 a.m. to 5:00 p.m.

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 thru 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

August 15, 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, August 15, 2016 at 6:30 P.M.

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

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

ADOPTION OF AGENDA

Motion was made by Doyle, second by Estes and carried to adopt the agenda.

AWARDS AND RECOGNITIONS

Mayor Allender recognized Luke Haugen's internship. He thanked him for his commitment, energy and willingness to take on an internship that others normally don't. He thought he did a great job. Mayor Allender presented the Veteran of the Month for August 2016 to Michael Ball and recognized his efforts and dedication to the service of his country and community.

GENERAL PUBLIC COMMENT

Robert Cannizzaro addressed the Council. He requested that the CUP for Dove Christian Center be revised as soon as possible. In his opinion, they are hosting a revival without a tent. He said Dove Christian center should not hold these events in a residential neighborhood. He wants the CUP changed so they can no longer host these types of events.

CONSENT ITEMS

The following items were removed from the Consent Items:

21. No. LF081016-05 – Resolution No. 2016-057A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

Motion was made by Nordstrom, second by Drew and carried to approve Items 3-26 as they appear on the Consent Items with the exception of Item 21.

Approve Minutes

3. Approve Minutes for the August 1, 2016 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (September 19, 2016)

4. No. 16VR009 - A request by KTM Design Solutions for Duane C Pankratz for a Vacation of Section Line Right-of-Way for property generally described as being located north of Eglin Street and west of North Elk Vale Road.

Alcoholic Beverage License Applications Set for Hearing (September 6, 2016)

5. Holiday Stationstores, Inc. DBA Holiday Stationstores, Inc., 35 Omaha Street, for a Package (off sale) Malt Beverage License

6. Wobbly Bobby British Pub LLC DBA CIAO, 512 Main Street #130 for a Retail (on-sale) Liquor License TRANSFER from Patrick Hall, dba Phatty McGees, 321 7th Street

Public Works Committee Consent Items

7. No. PW080916-01 – Confirm the Appointment of John Herr to the Planning Commission.
8. No. PW080916-02 – Approve Change Order No. 1F to Action Mechanical, Inc. for WRF Administration Building HVAC Improvements, Project No. 14-2228 / CIP No. 51062 for an increase of \$5,557.00.
9. No. PW080916-03 – Approve Change Order #2F to Knife River for Pavement Rehabilitation Project - Minuteman Area Chip Seal, Project No. 15-2243 / CIP No. 50549 for an increase of \$4,366.06.
10. No. PW080916-04 – Approve Change Order #1F to Western Construction, Inc. for North Rapid Reservoir and Northridge Reservoir Access Road Repair, Project No. 15-2298 / CIP No. 51103 for a decrease of \$3,315.25.
11. No. PW080916-05 – Approve Change Order #1F to Hills Materials Company for Sanitary Sewer Main Extension 12th Street, Fulton Street, Alley Blocks 32 & 41, Project No. 14-2154 / CIP No. 50961.4 for an increase of \$37,690.43.
12. No. PW080916-07 – Authorize Staff to Advertise for Bids on Pavement Rehabilitation Project – Steamboat Circle, Project No. 16-2324 / CIP No. 50549. Estimated Cost: \$175,000.00.
13. No. PW080916-08 – Authorize Mayor and Finance Officer to Sign Joint Powers Maintenance and Encroachment Agreement between the City of Rapid City and Department of Transportation for City Project No. 12-2051 / CIP No. 50867, State Project NH 0016(84)67 PCN 049F.
14. No. PW080916-09 – Authorize Mayor and Finance Officer to Sign Amendment to Agreement between City of Rapid City and Hills Materials for Northridge Reservoir Access Road Chip Seal, Project No.16-2335 / CIP No. 51103 increasing the original contract from \$34,203.00 to \$43,269.05.
15. No. PW080916-06 – Authorize Staff to Advertise for Bids for South Truck Route Drainage Basin Design Plan – Element 203, Project No. 14-2207 / CIP No. 51031. Estimated Cost: \$440,000.00.
16. No. PW062816-15 – Acknowledge Applicant's Withdrawal of Appeal of Exception Contingencies in Request from KTM Design Solutions on Behalf of Hagg Brothers LLC to Waive Curb, Gutter, Sidewalk, a Second Water Main North of Moon Meadows Drive, Dual Water Mains South of Moon Meadows Drive and Sewer South of Moon Meadows Drive in US Hwy 16 (City File 16EX072).
17. No. PW062816-16 – Acknowledge Applicant's Withdrawal of Appeal of Denied Exception Request from KTM Design Solutions on Behalf of Hagg Brothers LLC to Waive Pavement, Curb, Gutter, Sidewalk, Street Light Conduit, Water and Sewer in the Access and Utility Easement Along the East Lot Line; and Maintain the existing 50' wide Access and Utility Easement Instead of Dedicating 70' of Right-of-Way with 10' of Additional Right-of-Way Adjacent to Moon Meadows Drive (City File 16EX075).
18. No. PW062816-17 – Acknowledge Applicant's Withdrawal of Appeal of Denied Exception Request from KTM Design Solutions on Behalf of Hagg Brothers LLC to Waive Pavement, Curb, Gutter, Sidewalk, Street Light Conduit, Water and Sewer in Sammis Trail (City File 16EX076).

Legal & Finance Committee Consent Items

19. No. LF081016-06 – Approve Rapid City Police Department's Special Event Permit for 2016 RCMPD Cruiser Car Show
20. No. LF081016-02 – Acknowledge May 2016 Sales Tax Report
22. No. LF081016-09 – Resolution No. 2016-058 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2016-058
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: Water Reclamation #7072
For Sale on IronPlanet:
Hay Baler #E00375X9860Z3

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 15th day of August, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 23. No. LF081016-01 – Authorize Mayor and Finance Officer to Sign Funding Approval/Agreement for FY2016 Community Development Block Grant Funding
- 24. No. LF081016-08 – Authorize Staff to Advertise a Request for Proposals for an Architectural Survey Project of the Downtown Area Generally Located East of 5th Street to Maple Avenue

Community Planning & Development Services Department Consent Items

- 25. No. 16CA004 – Approve a request by the City of Rapid City to consider an application for an Amendment to the Comprehensive Plan to revise the Major Street Plan.
- 26. No. LF081016-07 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 of the Agreement for Professional Services Between the City of Rapid City and Progressive Urban Management Associates (P.U.M.A.) for a No-Cost Extension

Bid Award Consent Items (None)

END OF CONSENT ITEMS

Item 21 was read in by Mayor Allender. Nordstrom asked that Council look at the properties that are coming up for hearing. He has additional information to share once there is a hearing. He offered to send information via email if any councilperson wanted it. Motion was made by Wright, second by Drew to approve (No. LF081016-05) Resolution No. 2016-057A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION No. 2016-057A
RESOLUTION FIXING TIME AND PLACE FOR
HEARING ON ASSESSMENT ROLL FOR
CLEANUP OF MISCELLANEOUS PROPERTY

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 15th day of August, 2016. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 19th day of September, 2016 at 6:30 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 15th day of August, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

NON-CONSENT ITEMS

Robert Mudge, general partner, addressed the Council regarding Item 31. Mudge does not think the ordinance covers "light industrial" and therefore it should be excluded regarding installation of sidewalks. He did say the project was being done in multiple phases along Turbine Drive. He has been partners in multiple projects in the area since 2001. He stated that enforcement of sidewalks is inconsistent. He said other buildings on Concourse, Turbine and Homestead don't have sidewalks. He thinks the ordinance is poorly drafted and needs to be fairly enforced. He asked that the sidewalks be waived.

Ordinances

Ordinance 6122 (No. LF060116-10A) An Ordinance Adopting Section 16.090 of the Rapid City Municipal Code Requiring Registration of Vacant Residential Properties. 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, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6122 was declared duly passed upon its second reading.

Ordinance 6141 (No. LF081016-11) An Ordinance to Update the Regulations Related to Purchases Made by Department Directors by Amending Section 3.04.030 of the Rapid City Municipal Code. Motion was made by Roberts, second by Scott that Ordinance 6141 be placed on its first reading and the title was fully and distinctly read.

Ordinance 6134 (No. 16RZ027) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County for a Rezoning from High Density Residential District to Public District for property generally described as being located

at 718 4th Street. Motion was made by Roberts, second by Drew that Ordinance 6134 be placed on its first reading and the title was fully and distinctly read.

Ordinance 6135 (No. 16RZ028) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dirk Jablonski, ACES for Mike Kuhl, Pennington County for a Rezoning from General Commercial District to Public District for property generally described as being located at 321 Kansas City Street. Motion was made by Roberts, second by Laurenti that Ordinance 6135 be placed on its first reading and the title was fully and distinctly read.

Public Works Committee Items

Doyle read in item (No. PW080916-11) Request from RDSS, LLLP for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Homestead Street and Turbine Drive, Rapid City. Motion was made by Estes, second by Nordstrom, that the applicant show sidewalks on the first phase and deal with the other two phases when they come up. Estes said in his mind, the City doesn't distinguish between industrial buildings and commercial buildings. He said he believes they are the same when it comes to the ordinance. Estes thinks it's a great idea to get sidewalks ordered in out there. He thinks the applicant should be granted a building permit if he shows sidewalk on phase-one. In response to a question from Nordstrom, Mudge said he understands they will put sidewalks in for phase-one. Mudge questioned why sidewalks weren't ordered on Concourse Drive. Nordstrom said that (WORPS) are catching up to the City and the Council needs to start enforcing sidewalk installation instead of waiving sidewalks. Drew said that every contractor should build sidewalks into their budget because Council is going to start enforcing sidewalks. In response to a question from Laurenti, Mudge said they would be putting sidewalks in during each phase if they are ordered by Council. Laurenti said he wants an agenda item added to a future agenda to get all the sidewalks ordered in. Modrick thinks the ordinance should be reviewed. She said that Council needs to be consistent. Scott offered a friendly amendment to order in sidewalks for that entire area. Scott agrees that "industrial" falls under commercial according to the ordinance. The City can't break down every land code in the ordinance, so they have divided them between residential and commercial. She said it's not right to put future burden on taxpayers for sidewalks. Doyle called point of order. She said they can't tie in ordering sidewalks for the entire area with the applicant's variance request. Roberts agreed. He said the owner's need proper notice. Roberts questioned how many total sidewalks will be inner connected. He said that Public Works needs to see what the area looks like and have council weigh in on each area. Doyle would like an assessment placed on a future public works agenda. Laurenti urged that all future variances be denied and all sidewalks be completed. Estes said if Council doesn't order all other sidewalks in, that the applicant should get a waiver. Laurenti said a high percentage of the lots are developed and they should all have sidewalks. Modrick said the area should be evaluated and all of the remaining sidewalks be called up at the same time. Mayor clarified that the motion was to require sidewalks on phase one only and other two phases will be evaluated when the time comes for them to be developed. Nordstrom agreed with the motion. In response to a question from Doyle, Tech said sidewalks could be easily tracked per parcel. Motion passed 6-2 with Modrick and Laurenti voting no.

Legal & Finance Committee Items

Motion was made by Roberts, second by Nordstrom to (No. LF081016-03) Authorize Mayor and Finance Officer to Sign Assignment for Tax Increment District 76 Buffalo Crossing Between KS West, LLC and SK East, LLC and First National Bank. Motion carried 5-3 with Estes, Laurenti and Doyle voting no.

Roberts read in (No. LF081016-10) Resolution No. 2016-059 Extending an Offer with a Limited Election Window to Eligible Employees to Elect a Voluntary Early Retirement Incentive. Motion was made by Drew, second by Doyle to approve. Nordstrom asked the Mayor for clarification on his letter. In response to a question from Scott, Barbier said the amount of money saved and the time to recuperate will change depending on how many people take the incentive. The average number of months needed to recuperate the early retirement costs, would be around 15 months. Barbier said he did not make assumptions on how many would take it. Some departments might have to supplement if they didn't plan

for this early retirement. There is a monetary savings in salary when a senior employee leaves and a new employee gets hired. Scott said she would rather have substitute motion to continue. Laurenti urged council to support it. He said maybe the City won't be ahead the first year, but will see the return the following years. Mayor said there are private sector and non-private sector employees. As an example, you don't have private sector firemen or police officers so you can't compare salaries. Mayor said that experience is good and this is a completely voluntary incentive plan. He said the City has approximately 90 city employees who are on the verge of retirement and for some reason aren't making that move. He stated that 1-8 employees can retire. There is a 50% difference from the lowest pay scale to the highest pay scale. Mayor said it is completely voluntary to take this. The worst case is \$1.5 million dollars is paid out but will be recouped in the second year. This was just a way to trim some labor costs but no one is required to take it. In response to a question from Laurenti, Sumption said the eligible employees have between September and November to take the incentive. If the City doesn't know how many are taking it until November, it would be too late to change the appropriation ordinance because that needs to be approved by October 1st and submitted to the County. However, if the Council wanted to, they can go back after the fact and do a supplemental appropriation to decrease the budget. In response to a question from Laurenti, Sumption said Council could shift savings back to infrastructure if Council chose to do that. She would need instruction after they know how many people took the incentive. Drew is concerned with the knowledge base that the retirees would take with them. Mayor said this is a one-time incentive while he is Mayor. He can't speak for Mayor's after him. In response to a question from Estes, Barbier said there would be an evaluation done to see about the positions being replaced. He said they would evaluate each position to make sure it needs to be filled. Roberts appreciates the Mayor stepping out on a limb by doing this and thinks the cost savings look good. Motion carried 8-0.

RESOLUTION #2016-059

A RESOLUTION EXTENDING AN OFFER WITH A LIMITED ELECTION WINDOW TO ELIGIBLE
EMPLOYEES TO ELECT A VOLUNTARY EARLY RETIREMENT INCENTIVE

WHEREAS, the City of Rapid City (the "City") appreciates the dedication and service of all employees, and has a desire to recognize and reward employees who have provided twenty years of service or more; and

WHEREAS, the City has a continual desire to manage organizational challenges; and

WHEREAS, one response to these organizational challenges is a desire to adopt a limited election window voluntary Early Retirement Incentive Plan to be carried out in the year 2016 ("2016 ERIP"); and

WHEREAS, voluntary separations under the 2016 ERIP are intended to achieve specific institutional objectives: 1) reduction in salary/wage and benefit costs and 2) redirection of positions to focus on higher priorities; and

WHEREAS, the City, via the 2016 ERIP, desires to offer a one-time opportunity for eligible employees to apply for separation and enter retirement at an earlier date than they might otherwise have planned; and

WHEREAS, the City, via the 2016 ERIP, desires to offer current employees eligible for retirement under the South Dakota Retirement System ("SDRS"), whether with or without reduction, an incentive to voluntarily elect retirement during the year 2016; and

WHEREAS, following voluntary separation from the City, 2016 ERIP participants will receive the incentive benefit provided by the plan and subject to the terms and conditions provided in this Resolution; and

WHEREAS, this Resolution shall serve as the official plan document governing the terms of the 2016 ERIP.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that there is hereby established a 2016 Voluntary Early Retirement Incentive Plan, which in its entirety reads as follows:

CITY OF RAPID CITY 2016 VOLUNTARY EARLY RETIREMENT INCENTIVE PLAN

The City of Rapid City hereby offers under a limited election window to eligible employees the option to voluntarily elect an early retirement incentive, such current incentive only to be offered in 2016, subject to the following terms and conditions:

A. Purpose.

The City intends for the 2016 ERIP separations to achieve specific institutional objectives: 1) reduction in salary/wage and benefit costs and 2) redirection of positions to focus on higher priorities.

B. Eligibility.

To be eligible under the City of Rapid City 2016 Voluntary Early Retirement Incentive Plan (the "2016 ERIP"), the applicant must be a current City employee, either union or non-union, and

1. Must be actively employed by the City up to and including the first day of the election period in Section D. below;
2. Must have twenty (20) years of City service as of the date of retirement; and
3. Must be eligible to retire with or without reduction under the South Dakota Retirement System ("SDRS").

C. Ineligibility.

- Employees who are not eligible to retire with or without reduction under the SDRS.
- Employees who are using any form of paid time off, including vacation accruals, to bridge to an already-specified separation date arranged prior to August 5, 2016.
- Employees who have been given notice prior to August 5, 2016, of their involuntary termination from the City.
- Employees who have already signed a formal separation agreement with the City.
- Other individuals who are not eligible include, but are not limited to, temporary employees.

D. Election Period and Procedure.

All eligible employees under Section B. above will be provided written notification of their eligibility under this 2016 ERIP, to include a copy of this Resolution, an application form, and a Separation Agreement, on or before September 1, 2016. Upon application, the employee may be eligible for the early retirement incentive set out in Section G. below, provided:

1. Election under this 2016 ERIP is made in writing to the City's Human Resources Division between September 1 and November 30, 2016, on the application form provided by Human Resources. Applications submitted after close of business, 5:00 p.m., on November 30, 2016, will not be considered;

2. The employee elects to retire on or before December 31, 2016;

3. All necessary retirement paperwork, including any necessary paperwork under this 2016 ERIP, is completed and submitted to Human Resources at least thirty (30) days prior to the employee's selected retirement date.

Eligible employees who submit the application referenced above are indicating a desire to voluntarily separate from the City in exchange for the 2016 ERIP separation incentive set out in Section G. below.

Applicants may revoke their application at any time up to 7 days after signing the Separation Agreement. To revoke or withdraw a 2016 ERIP application, the applicant may send a notice of revocation in writing either by hand delivery, or by certified mail to the Human Resources office. On the eighth day after signing the Separation Agreement, the 2016 ERIP application is irrevocable.

E. Separation Agreement.

2016 ERIP participants will be required to sign a Separation agreement that contains a release of all employment rights and claims, attached hereto as Exhibit A and incorporated herein by reference.

F. Separation Date.

To participate in the 2016 ERIP, the eligible applicant must sign a Separation Agreement that releases the City from all employment rights and claims, and must agree to separate from the City on the retirement date elected under Section D. above, which must be on or before December 31, 2016.

Under no circumstances will a 2016 ERIP separation date be extended beyond December 31, 2016.

Regardless of separation date, the 2016 ERIP application must be submitted by 5:00 p.m., on November 30, 2016.

G. Separation Incentive.

Employees who elect this 2016 ERIP will be paid in a single lump sum, less all deductions for local, state and federal taxes legally required to be withheld, no later than one month following their date of separation from the City in an amount equal to 3 months of the employee's base salary in effect on the date of separation.

For salaried employees, this amount would be 6 times the bi-weekly base salary for those paid bi-weekly, or 3 times the monthly base salary for those paid monthly. For non-exempt employees, this amount will be 6 times the bi-weekly base wages for those paid bi-weekly, or 3 times the monthly base wages for those paid monthly.

Base salary/wages does not include overtime, supplemental pay, shift-differential, call-back pay, or any other non-base salary or wages.

No portion of this lump sum payment is eligible for retirement contribution to the SDRS, or salary deferral under the SDRS Supplemental Retirement Plan or the International City/County Management Association Retirement Corporation (ICMA-RC) plan, nor is it compensation for purposes of calculating the City's contribution to the SDRS, per IRS regulations.

H. No Effect on Other Benefits.

This 2016 ERIP does not affect, amend, or alter in any way any other benefits, retirement or otherwise, to which an employee, whether union or non-union, may be entitled.

I. No Retaliation.

Eligible employees who decline to participate or who revoke an application to participate in the 2016 ERIP will not be treated any differently than any other similarly situated employee.

J. Recovery of 2016 ERIP Payments Made by Mistake.

2016 ERIP payments or portions thereof, made by mistake of fact or paid contrary to the terms of the 2016 ERIP shall be returned to the City by the separated employee.

K. Representations Contrary to the 2016 ERIP

No employee, officer, elected official, or agent of the City has the authority to alter, vary or modify the terms of the 2016 ERIP, except by means of a written amendment to the 2016 ERIP authorized by the Common Council of the City of Rapid City. No verbal or written representations contrary to the terms of the 2016 ERIP and any amendments will be binding upon the City.

L. Amendment and Termination.

The City reserves the right to amend or terminate the 2016 ERIP upon the authorization of the Common Council. Notwithstanding the foregoing, no amendment or termination of the 2016 ERIP may reduce 2016 ERIP payments or other considerations once a 2016 ERIP Separation Agreement is fully executed.

M. Recitals.

The recitals set forth above constitute an integral part of this 2016 ERIP and are incorporated by this reference as if fully set forth herein.

N. Authority to Sign.

The Mayor or the Community Resources Director or his or her designee are hereby granted the authority to execute any documents necessary for 2016 ERIP participants to make a voluntary early retirement election hereunder.

O. Necessary Documents.

The City Attorney's Office and the Division of Human Resources shall draft any and all necessary documents, agreements, and forms that may be advisable or necessary in carrying out the implementation and administration of the 2016 ERIP.

P. Nondiscrimination Statement.

The City of Rapid City will not engage in discrimination against any person because of race, color, religion, sex, national origin, age, disability or genetics, and will comply with all federal and state nondiscrimination and equal employment laws and regulations.

Dated this 15th day of August, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Mayor's Items

Ron Jefferies addressed the Council regarding the Central States Fair Update. He said the fair starts Friday August 19th. The theme this year is "Vote for Fun". He invited everyone to attend the fair. The ribbon cutting will be Friday at 3:00 p.m. at the McDonald's stage. He said one of the new activities is the longhorn show. He said it's a world qualifier show with about 60 entries. For the first time in 6 years, the 4-H extension is bringing the 4-H exhibits back to the fair. The youth cattle show is expanding. They are seeing more youth from out of state bringing cattle here to show. They are offering an exotic petting zoo. They will have some new rides. They will have the bud light beer tent. Black Hills Energy is sponsoring the concert lineup. They have motocross races, demolition derby, and range day's rodeo. They will also have military appreciation night on Thursday August 25th. They will have recognition of first responder's night on August 27th. Laurenti thanked Mr. Jefferies for his work and asked that the appreciation be passed along to everyone involved with the fair. He said not only does it have a monetary impact, but it focuses on livestock and allows families to enjoy so many activities together. Motion was made by Doyle, second by Scott to acknowledge the update. Motion carried 8-0.

PUBLIC HEARING ITEMS

Motion was made by Scott, second by Laurenti and carried that items 35-39 be approved.

Alcohol Licenses

35. Story Book Island for a SPECIAL EVENT On-Sale Dealer for an Event Scheduled for September 9, 2016 at Story Book Island, 1301 Sheridan Lake Road
36. B & B Kelley DBA Historic Freight House, 306 7th Street for a Retail (on-sale) Liquor License TRANSFER from Sanfords Grub & Pub South Dakota DBA Sandfords Grub & Pub, 306 7th Street
37. Calm Waters LLC DBA Hilton Garden Inn, 815 E Mall Drive for a Retail (on-sale) Liquor License (Inactive) TRANSFER from AJ Inc. DBA Shotgun Willies, 2201 Mt. Rushmore Rd (formerly held at 2808 W Main Street)
38. PT Operations LLC DBA Philly Ted's Cheezsteaks, 502 Main Street, Suite 200, for a Retail (on-off sale) Malt Beverage License

Assessment Rolls

39. No. LF081016-04 – Resolution No. 2016-050B a Resolution Levying Assessment for Downtown Business Improvement District 2016

RESOLUTION NO. 2016-050B
 RESOLUTION LEVYING ASSESSMENT FOR
 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2016

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the Business Improvement District 2016 is the amount stated in the proposed assessment roll.

2. The Assessment Roll for Business Improvement District 2016 is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.

3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 15th day of August, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS

Ordinance 6126 (No. 16RZ021) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Gordon Howie for Black Hills Crisis Pregnancy Center for a Rezoning from Medium Density Residential District to Office Commercial District for property generally described as being located in the southeast corner of the intersection of Haines Avenue and Anamosa Street having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6126 was declared duly passed upon its second reading.

Ordinance 6127 (No. 16RZ022) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for ZCO Incorporated for a Rezoning from Office Commercial District to Light Industrial District for property generally described as being located in the southeast corner of the intersection of Creek Drive and Marlin Drive. Modrick said citizens were concerned with the traffic in this area and asked Dale Tech if there was going to be a light put in at the intersection of Elk Vale Road and Minnesota Street. He said he would check into an update for the area. Having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6127 was declared duly passed upon its second reading.

Ordinance 6128 (No. 16RZ023) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for ZCO Incorporated for a Rezoning from General Agricultural District to General Commercial District for property generally described as being located south of Elk Vale Road between Creek Drive and Marlin Drive having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6128 was declared duly passed upon its second reading.

Ordinance 6129 (No. 16RZ024) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for ZCO Incorporated for a Rezoning from

General Agricultural District to Light Industrial District for property generally described as being located east of the intersection of Creek Drive and Marlin Drive having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6129 was declared duly passed upon its second reading.

Ordinance 6130 (No. 16RZ025) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for SSST, LLC for a Rezoning from General Agricultural District to General Commercial District for property generally described as being located south of the intersection of Elk Vale Road and East Minnesota Street having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6130 was declared duly passed upon its second reading.

Ordinance 6131 (No. 16RZ026) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for SSST, LLC for a Rezoning from General Agricultural District to Office Commercial District for property generally described as being located west of E. Minnesota Street and south of Marlin Drive having passed the first reading on August 1, 2016 motion was made by Roberts, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Drew, Doyle, Estes, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6131 was declared duly passed upon its second reading.

Motion was made by Roberts, second by Laurenti and carried to continue to the September 6, 2016 City Council meeting (No. 16VR003) A request by Fisk Land Surveying and Consulting Engineers, Inc., for Roger and Heidi Hanzlik for a Vacation of Right-of-Way for property generally described as being located at 4018 Calle Baja Street.

Motion was made by Roberts, second by Laurenti and carried to continue to the September 19, 2016 City Council meeting (No. 16TI003) Highway 16 Sewer – A request by Kent Hagg for Alta Terra Development to consider an application to Amend Project Plan for Tax Increment District No. 70 - Highway 16 Sewer for property generally described as being located Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision.

BILLS

The following bills have been audited.

BILLIST - AUGUST 15, 2016

P/ROLL PERIOD END 07/23/16, PD 07/29/16	1,109,537.06
CDEV P/ROLL PERIOD END 07/23/16, PD 07/29/16	3,195.23
P/ROLL PERIOD END 07/31/16, PD 07/29/16,	1,513,953.89
PIONEER BANK & TRUST, 07/23/16 P/ROLL TAXES & BENEFITS, PD 07/29/16	136,426.87
CDEV PIONEER BANK & TRUST, 07/23/16 P/ROLL TAXES & BENEFITS, PD 07/29/16	432.41
PIONEER BANK & TRUST, 07/31/16 P/ROLL TAXES & BENEFITS, PD 07/29/16	391,114.02
SOUTH DAKOTA RETIREMENT SYSTEM, JUL16 RETIREMENT, PD 08/03/16	558,941.78
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN SPECIAL PAY PLAN FEES- RAUE, R & SNYDER, A PD 07/29/16	90.00
WELLMARK INC, HEALTH CLAIMS THROUGH 08/05/16, PD 08/11/16	124,284.87
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/01/16, PD 08/02/16	2,653.61

WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/08/16, PD 08/09/16	3,258.68
US BANK, CREDIT CARD CHARGES, PD 08/01/16	42,358.08
BERKLEY ASSIGNED RISK SERVICES, JUL16 CLAIMS, PD 08/01/16	34,904.77
COMPUTER BILL LIST	5,267,368.50
CDEV COMPUTER BILL LIST	7,366.29
SUBTOTAL	9,195,886.06
RSVP, P/ROLL PERIOD END 07/23/16, PD 07/29/16	3,273.59
RSVP, 07/23/16 P/ROLL TAXES & BENEFITS, PD 07/29/16	446.85
RSVP, COMPUTER BILL LIST	44.93
TOTAL	9,199,651.43

Sumption presented the bill list total of \$9,199,651.43. Motion was made by Laurenti, second by Doyle and carried to authorize (No. CC0081516-01) 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 Doyle, second by Estes and carried to adjourn the meeting at 8:05 p.m.

Dated this 15th day of August, 2016.

CITY OF RAPID CITY

ATTEST:

 Finance Officer
 (SEAL)

 Mayor