

ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

**AGENDA FOR THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., Tuesday, July 5, 2016**

ROLL CALL AND DETERMINATION OF QUORUM

INVOCATION (You are welcome to participate, but not required)

PLEDGE OF ALLEGIANCE

AWARDS AND RECOGNITIONS

1. Recognition of Councilman Chad Lewis and Ron Weifenbach

RECESS TO SWEAR IN NEWLY ELECTED COUNCIL MEMBERS

2. Oaths of Office administered to Ward Council Members Elect Lisa Modrick, Jason Salamun, Steve Laurenti, Amanda Scott and Darla Drew

RECONVENE

ELECTION OF OFFICERS

3. Election of Council President
4. Election of Council Vice President

ADOPTION OF AGENDA

GENERAL PUBLIC COMMENT (3-minute time limit per speaker)

A time for the members of the public to discuss or express concerns to the Council on any issue not on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Council members present.

NON-PUBLIC HEARING ITEMS -- Items 5 - 39

Open Public Comment – Items 5 - 32 (3-minute time limit per speaker)

Close Public Comment

CONSENT ITEMS – Items 5 - 32

Remove Items from the “Consent Items” and Vote on Remaining Consent Items

Approve Minutes

5. Approve Minutes for the June 20, 2016 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)

Alcoholic Beverage License Applications Set for Hearing (July 18, 2016)

- 5A. Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main #2A for a Retail (on-off sale) Malt Beverage License TRANSFER from Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main Street

- 5B. Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main #2A for a Retail (on-off sale) Wine License TRANSFER from Continental Leisure, Inc. DBA The Carousel, 2050 West Main Street
- 5C. Continental Leisure Inc. DBA Carousel Casino, 2050 West Main #2B for a Retail (on-off sale) Malt Beverage License (Inactive) TRANSFER from Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main Street #2

Public Works Committee Consent Items

- 6. No. PW053116-22 – Authorize Mayor and Finance Officer to sign a construction agreement with Black Hills Energy for relocation of 69 kV power line on landfill property. (Continued from the June 20, 2016 City Council Meeting)
- 7. No. PW062816-01 – Approve Change Order Correction to PW053116-02 June 6, 2016 meeting. Should have read “Approve Change Order #2F for Project No. 15-2288 / CIP No. 50752 Chapel Lane Bridge Railing Project to JV Bailey Co., Inc. for a decrease of \$165.00”.
- 8. No. PW062816-02 – Approve Change Order #2 to Mainline Contracting for 9th Street Reconstruction – Fulton to Columbus, Project No. 14-2208 / CIP No. 50435 for an increase of \$52,670.45.
- 9. No. PW062816-03 – Approve Change Order #1F to Hills Material Company, Inc. for Pavement Rehabilitation Project-Alta Vista Area, Project No. 15-2263 / CIP No.50844 for an increase of \$1,524.68.
- 10. No. PW062816-04 – Approve Construction Change Order #2 for Rapid Transit Bus Storage Addition, Project No. 15-2248 / CIP No. 51084 to MAC Construction for an increase of \$6,025.00.
- 11. No. PW062816-05 – Authorize Staff to Advertise for Bids 2016 Miscellaneous Improvements Project, Project No. 16-2308 / CIP No. 50298. Estimated Cost: \$170,000.00.
- 12. No. PW062816-06 – Authorize Staff to Advertise for Bids Pavement Rehabilitation Project – North Plaza Drive, Project No. 15-2299 / CIP No. 50844. Estimated Cost: \$300,000.00.
- 13. No. PW062816-07 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Service, Inc. (AE2S) for the Meade/Hawthorne DBDP-Element 47 and South Ridge Road Sanitary Sewer Improvements, Project No. 15-2306 / CIP No. 50758 in the amount of \$17,378.50.
- 14. No. PW062816-08 – Authorize Mayor and Finance Officer to Sign Covenant Agreement Between City of Rapid City and Roger & Heidi Hanzlik Authorizing Landowners to Maintain Non-Conforming Water and Sewer Service Lines.
- 15. No. PW062816-09 – Authorize Mayor and Finance Officer to Sign Permit for Temporary Right of Entry to SDDOT Rail Road ROW for Pavement Rehabilitation Project – Back Nine, Pebble Beach & Jolly Lane, Project No. 15-2301 / CIP No. 50844.
- 16. No. PW062816-11 – Authorize Mayor and Finance Officer to Sign Covenant Agreement between Troy Eisenbraun and Lisa Eisenbraun and the City of Rapid City for Construction of Public Improvements.
- 17. No. PW062816-12 – Authorize Mayor and Finance Officer to Sign Release of Covenant Agreement with Bies Highway 79 LLP.
- 18. No. PW062816-13 – Authorize Staff to Seek Proposals for Professional Services for Alley south of Kansas City Street between 4th Street and 2nd Street Sanitary Sewer Improvements, Project No. 16-2338 / CIP No. 50827.
- 19. No. PW062816-14 – Approve Funding Correction for Pavement Rehabilitation Project – Brentwood Street and Surfwood Drive, Project No. 15-2264 /CIP No. 50549.

Legal & Finance Committee Consent Items

- 20. No. LF062916-09 – Approve JAG Grant Application and Accept Grant If Awarded
- 21. No. LF062916-12 – Re-Authorize Staff to Purchase One (1) Chevrolet Tahoe in the Revised Amount of \$36,698 Using State Bid Contract #16868

22. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Brent Moe, Megan Pataski, Stephen Muller, Trae Hood, Daniel Allard, Anthony Picketpin, Ashley Anderson, Melissa Martin, Christopher Barger, Nicholas Glass, Wesley Folsom, Ridrey Jendry, Tyler Cameron
23. No. LF062916-03 – Approve Request for 2015 Property Tax Abatement for The City of Rapid City in the amount of \$198.00
24. No. LF062916-06 – Acknowledge May 2016 General Fund Cash Balance Report
25. No. LF062916-07 – Resolution No. 2016-048 Declaring Miscellaneous Personal Property Surplus
26. No. LF062916-08 – Authorize Mayor and Finance Officer to Sign the Agreement for Tyler Systems Management (“TSM”) with Tyler Technologies for \$28,909.00
27. No. LF062916-01 – Approve Resolution No. 2016-046 to Create Position of Assistant Street Superintendent.
28. No. LF062916-04 – Authorize Mayor and Finance Officer to Sign the Environmental Assessment for the Black Hills Area Habitat for Humanity
29. No. LF062916-05 – Approve Amendment to the Neighborhood Restoration Loan Program to Add the Safe and Secure Grant Program
30. No. LF062916-02 – Authorize Mayor and Finance Officer to Sign Memorandum of Understanding Between the City of Rapid City and The Performing Arts Center of Rapid City, Inc. Relating to Corporate Structure and Operations
31. No. LF062916-11 – Approve Black Hills Area Habitat for Humanity Request for Removal or Reduction of Special Assessment on 140 Doolittle Street Property

Community Planning & Development Services Department Consent Items (NONE)

Bid Award Consent Items

32. No. CC070516-02.1 - Approve award of Total Bid for Pavement Rehabilitation Project – Back Nine, Pebble Beach and Jolly Lane, Project No. 15-2301 / CIP No. 50844 opened on June 28, 2016 to the lowest responsible bidder, J&J Asphalt Company in the amount of \$250,859.20.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 33 - 39

Open Public Comment – Items 33 - 39 (3-minute time limit per speaker)

Close Public Comment

Ordinances

33. No. 16RZ017 - First Reading, Ordinance 6121, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Advanced Engineering for Mark Simpson for a Rezoning from General Agricultural District to Light Industrial District for property generally described as being located east of Fountain Plaza and South Plaza Drive intersection.
Recommendation: Approve
34. No. 16RZ018 - First Reading, Ordinance 6123, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying and Consulting Engineers, Inc. for a Rezoning from Low Density Residential District to General Agricultural District for property generally described as being located at 2101 City Springs Road.
Recommendation: Approve

Public Works Committee Items

Legal & Finance Committee Items

35. No. LF062916-10 Human Relations Commission – Semi-Annual Update
Recommendation: Take to July 5, 2016 City Council Meeting without recommendation (Motion carried 5-0)

36. No. LF062916-13 – Request for Half of the 2017 Annual Vision Funds to Be Made Available for Community Projects
Recommendation: Take to July 5, 2016 City Council Meeting without recommendation (Motion carried 5-0)

Community Planning & Development Services Department Items

37. No. 16PL048 - A request by Advanced Engineering for Mark Simpson for a Preliminary Subdivision Plan for Lot 1, Lot 2, Lot 3 and Lot 4 of Fountain Springs Square, generally described being located northeast of the intersection of Fountain Plaza Drive and South Plaza Drive.
Recommendation: Approve with Stipulations
38. No. 16PL058 - A request by Fisk Land Surveying and Consulting Engineers Inc for Brian Gossman for a Preliminary Subdivision Plan for Lot 5A, 5B and 5C of Bison Acres, generally described being located at 14825 Morning View Drive.
Recommendation: Approve with Stipulations

Other Board, Commission & Committee Items

Bid Awards

Alcoholic Beverage License Applications

Reissuance
Special Event

Mayor's Items

39. No. CC062016-04 - Request for temporary free landfill use and landfill rate reimbursement for Hermosa residents for disposal of tornado debris resulting from June 13, 2016. (This item was continued from the June 20, 2016 City Council Meeting.)

Council Items & Liaison Reports

Reconsideration Notices
Motion for Delivery of Items from Committee

Staff Items

Appeals

Planning Commission Appeals
License Appeals
Other Appeals Heard by the Council

PUBLIC HEARING ITEMS – Items 40 - 47

Open Public Hearing (comment) - Items 40 - 47 (3-minute time limit per speaker)
[Public Hearing Remains Open]

Close Public Hearing (comment) - Items 40 - 47

CONSENT PUBLIC HEARING ITEMS – Item 40

Remove Items from the "Consent Public Hearing Items" and Vote on Remaining Consent Items

Community Planning & Development Services Department Items

Alcohol Licenses

40. Ride Therapy Project for a SPECIAL EVENT Off-Sale Package Dealer for an Event Scheduled for July 30 – August 13, 2016 at Black Hills Harley Davidson, 2820 Harley Drive

Assessment Rolls (NONE)**Other Items Requiring Public Hearings (NONE)**

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 41 - 47

41. No. 16RZ014 - Second Reading, Ordinance 6118, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions Inc., for Richard M. Kincaid **for a Rezoning from Low Density Residential District to Light Industrial District** for property generally described as being located at 3775 Dyess Avenue.
Recommendation: Approve
42. No. 16RZ015 - Second Reading, Ordinance 6119, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Advanced Engineering for Mark Simpson **for a Rezoning from General Agricultural District to Light Industrial District** for property generally described as being located north of Fountain Plaza and South Plaza Drive intersection.
Recommendation: Approve
43. No. 16RZ016 - Second Reading, Ordinance 6120, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Advanced Engineering for Mark Simpson **for a Rezoning from General Agricultural District to General Commercial District** for property generally described as being located at 1750 Fountain Springs Drive.
Recommendation: Approve
44. 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. This item was continued from the 6/6/16 City Council meeting since stipulations of approval were not met.
Recommendation: Staff recommends this item **be continued to the July 18, 2016 City Council Meeting** (This item was continued from the 6/20/16 City Council Meeting.)
45. No. 16VR006 - A request by FMG, Inc., for Holiday Companies for a Vacation of Right-of-Way for property generally described as being located in the northwest corner of the intersection of Elk Vale Road and SD Highway 44.
Recommendation: Approve with Stipulations
46. No. 16PD025 – Appeal of Planning Commission's decision of a request by KTM Design Solutions, Inc for Holiday Companies, Inc. for a Final Planned Development Overlay to allow construction of a convenience store with gas sales and a carwash for property general described as being located in the southeast corner of US Highway 16 and Catron Boulevard.
Recommendation: Appeal has been withdrawn
47. No. 16UR014 - Appeal of Planning Commission's decision of a request by Adam Wegner for Scull Construction for a Conditional Use Permit to allow an oversized garage for property generally described as being located at 4120 Corral Place.

Recommendation: On June 9, 2016 the Planning Commission approved with stipulations. This is an Appeal of the Planning Commission's decision.

BILLS

48. No. CC070516-01 – Bill List for July 5, 2016

ADJOURN