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, April 2, 2018 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Amanda Scott, Darla Drew, Ritchie Nordstrom, Lisa Modrick, Chad Lewis, Laura Armstrong, Steve Laurenti, Becky Drury and John Roberts; the following Alderpersons arrived during the course of the meeting: Jason Salamun and the following were absent: NONE.

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Public Works Director Dale Tech, Assistant Police Chief Don Hedrick, Fire Chief Rod Seals, Long Range Planner Patsy Horton, Parks and Recreation Director Jeffrey Biegler, and Administrative Coordinator Heidi Weaver-Norris

Salamun arrived at 6:33 p.m.

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

AWARDS AND RECOGNITIONS
Mayor Allender presented the Proclamation of National Public Safety Telecommunicators Week. Assistant Police Chief Don Hedrick spoke on the importance of telecommunicators and the outstanding service they provide to the citizens and staff. They were thanked for their great service.

GENERAL PUBLIC COMMENT
Dan Senftner, Main Street Square, addressed the council. He said there would be a few less Thursday’s in the Square. He said there would be music and “more” with less alcohol and more family activities. They are looking to involve the community more. They are looking forward to a great season.

NON-PUBLIC HEARING ITEMS

CONSENT ITEMS – Items 3 – 38
The following items were removed from the Consent Items:

16. PW032718-14 – Declare Rimflow, Inc. as the sole provider of swimming pool coping repair and authorize the Mayor and Finance to Sign the Agreement with Rimflow, Inc. for Parkview Swimming Pool Coping Repair Project PR18-6164.

19. PW032718-03 – Authorize Staff to Advertise for Bids for 2018 Lane Line Painting, Project No. 18-2439 / CIP No. 50594. Estimated Cost: $110,000.00.

20. PW032718-04 – Authorize Staff to Advertise for Bids for Bus Passenger Bench and Bus Passenger Bench Advertising.

22. PW032718-08 – Authorize Mayor and Finance Office to Sign Amendment No. 1 to the Agreement Between the City of Rapid City and the South Dakota Department of Transportation for Improvements to Lacrosse Street At Grade Railroad Crossing.

25. LF032818-01 – Acknowledge February 2018 General Fund Cash Balance Report
27. LF032818-05 – Approve Resolution No. 2018-027A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

35. LF032818-10 – Authorize Mayor and Finance Officer to Sign Agreement for Independent Contractor Services for Appraisals with Voegele Appraisal for CDBG Program's Simplified Living Program

Motion was made by Lewis, second by Nordstrom and carried unanimously to approve items 3-38 as they appear on the Consent Items with the exception of Items 16, 19, 20, 22, 25, 27 and 35.

**Approve Minutes**
3. Approve Minutes for the March 19, 2018 Regular Council meeting.
4. Approve Minutes for the March 26, 2018 Special Council meeting.

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

**Alcoholic Beverage License Applications Set for Hearing (April 16, 2018)**
5. Chrisbro Inc. DBA Microtel Inn and Suites, 1740 Rapp Street for a Package (off sale) Malt Beverage & SD Farm Wine License

**Public Works Committee Consent Items**
6. PW032718-01 – Rescind approval of Change Order No. 1F (Agenda Item PW010918-01) as approved at the January 16, 2018 City Council Meeting and Approve Change Order #1F Revised to Mainline Contracting, Inc. for East Rapid City Water Expansion Morris Lane Pressure Reducing Valve (PRV) Facility, Project No. 14-2195 / CIP 50964.C for an increase of $782.92. City Council approval is contingent on concurrence and approval of the revised change order by the South Dakota Department of Environment and Natural Resources.
7. PW032718-02 – Approve Change Order 4 to Lind-Exco, Inc. for West Omaha Drainage and Utility Improvements, Project No.15-2316 / CIP 50904.1 for an increase of $14,976.60.
8. PW032718-17 – Approve Change Order 1 to Western Construction, Inc. for Catron Boulevard Lane Widening, Project #16-2343/ CIP 51115. Change is to correct funding source.
9. PW032718-05 – Authorize Mayor and Officer to Sign Amendment #2 to the Agreement between the City of Rapid City and South Dakota Department of Transportation for Project No. 12-2022 / CIP 50448, SDDOT Project No. P 0231(12)80 PCN 025R.
10. PW032718-07 – Authorize Mayor and Officer to Sign Bridge Reinspection Program Resolution, Project No. 18-2435.

**BRIDGE REINSPECTION PROGRAM RESOLUTION FOR USE WITH SDDOT RETAINER CONTRACTS**

Whereas, Title 23, Section 151, United States Code and Title 23, Park 650, Subpart C, Code of Federal Regulations, requires initial inspection of all bridges and reinspepection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are inspected at intervals not to exceed four years.

Therefore, the City of Rapid City is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire Brosz Engineering for the inspection work. SDDOT will secure federal approvals, make payments to the consulting engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.
Dated this 2nd day of April, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

11. PW032718-09 – Authorize Mayor and Officer to Sign Resolution 2018-026 for application to South Dakota Dept. of Environment and Natural Resources (SDDENR) for a Solid Waste Management SubGrant 80/20 percent for the collection, reuse, and/or disposal of residential waste tires from the landfill service area. Grant total not to exceed $75,000.00 with City share not to exceed $15,000.00.

RESOLUTION NO. 2018-026
A RESOLUTION SUPPORTING A SOLID WASTE MANAGEMENT SUBGRANT 80/20 FOR FUNDS TO SUPPORT A RESIDENTIAL WASTE TIRE DISPOSAL PROGRAM

WHEREAS, the City of Rapid City Solid Waste Division wishes to host a collection of residential waste tires from the Rapid City landfill service area; and

WHEREAS, the City of Rapid City Solid Waste Division is eligible to apply for a SD DENR Solid Waste Management SubGrant 80/20 percent for the collection, reuse, and/or disposal of residential waste tires from the landfill service area; and

WHEREAS, the City Council and Mayor support the need for a residential tire disposal program and support the grant from SD DENR for funding this program; and

WHEREAS, the Rapid City Solid Waste Division has developed a tire disposal work plan that has been submitted to SD DENR;

THEREFORE, be it resolved that City of Rapid City, South Dakota, duly authorizes the submission of a Solid Waste Management Grant Application for the proposed project;

THEREFORE, be it further resolved that the Rapid City Council authorizes the Superintendent of the Rapid City Solid Waste Division be authorized to execute and sign the Solid Waste Management Grant Application on behalf of the City of Rapid City.

BE IT FURTHER RESOLVED that the Mayor and Finance Officer hereby certify that the foregoing resolution was passed by the City of Rapid City Common Council.

Dated this 2nd day of April, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
12. PW032718-10 – Approve Request from Chad Bauma for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.06 on Carriage Hills Drive adjacent to 4421 Carriage Hills Drive.

13. PW032718-11 – Authorize Staff to Purchase One (1) 2018 rear load trash truck with a nine yard packer body off the NJPA National Bid program. Estimated Cost: $117,866.14.

14. PW032718-12 – Approve Contract Extension to Hawkins Inc. for chemicals to Jackson Springs and for Gas Chlorine and Hydrofluosilic Acid.

15. PW032718-13 – Authorize Staff to Purchase a 2018 Kubota RTV-X1100CWL from Jenner Equipment with 72” Commercial Straight Blade and Two (2) 60” Rotary Brooms with NJPA Pricing in the Amount of $33,294.04.

17. PW032718-15 – Authorize Staff to Advertise for Bids for Mt. View & Mt. Calvary Cemeteries Improvements, Project No. PR18-2409. Estimated Cost: $560,000.00.

18. PW032718-16 – Authorization to reduce amount of work by general contractor to 35% for Mt. View Cemetery and Mt. Calvary Cemetery Improvements Project PR18-2409.

21. PW032718-06 – Authorize Mayor and Finance Office to Sign an Agreement Between the City of Rapid City and the South Dakota Department of Transportation for Improvements to East Boulevard At Grade Railroad Crossing.

23. PW032718-18 – Approve Resolution 2018-029, A Resolution to Declare Property Located on Mondo Street Surplus and Appoint Freeholders to Appraise the Property for Sale.

Resolution 2018-029

A RESOLUTION TO DECLARE PROPERTY LOCATED ON MONDO STREET SURPLUS AND APPOINT FREEHOLDERS TO APPRAISE THE PROPERTY FOR SALE

WHEREAS, the property listed below was purchased as a part of the project to extend city water service to the East Rapid City Water Users Region; and

WHEREAS, the property contained structures that required removal and abandonment to facilitate the project; and

WHEREAS, the necessary work has been completed on the property; and

WHEREAS, the property is no longer necessary, useful or suitable for municipal purposes or the purposes for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes:

Mondo Street Property
Parcel ID: 3826279001
Tax ID: 61149
Legal Description: Lot 1, Block 7, Prairiefire Subdivision, Pennington County, South Dakota

BE IT FURTHER RESOLVED that Chad Lewis, Amanda Scott, and Becky Drury be and are hereby appointed as a Board of Freeholders to appraise the property listed above as authorized by SDCL 6-13-2; and

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 2nd day of April, 2018.
Legal & Finance Committee Consent Items

24. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Sarah Pauley (RSVP+), Lisa Rynders (RSVP+), Jenson Keller (RSVP+)

26. LF032818-03 – Approve Request for Property Tax Abatements as Follows: Michael B. DeMersseman, 2016; $1,494.87; Michael B. DeMersseman, 2017; $1,446.01 [Total for Rapid City: $2,940.88]

28. LF032818-09 – Approve Resolution No. 2018-025 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution 2018-25
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: Parks (607)
For Trade:
2006 Polaris 6x6 ATV, 4XARF68A76D742037

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 2nd day of April, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

29. LF032818-11 – Authorize Mayor and Finance Officer to Sign Electric Cooperative Agreement with West River Electric Association and Black Hills Electric Cooperative for FY2019

30. LF032818-06 – Authorize Submission of the Historic Preservation Commission Certified Local Government Grant Application for 2018-2019 and Receipt of Funds Associated with the Grant

31. LF032818-08 – Approve Resolution No. 2018-028 a Resolution to Add the Staybridge Suites to the City of Rapid City’s Business Improvement District No. 1
RESOLUTION 2018-028
A RESOLUTION TO ADD THE STAYBRIDGE SUITES TO
THE CITY OF RAPID CITY’S BUSINESS IMPROVEMENT DISTRICT NO. 1

WHEREAS, pursuant to the provisions of SDCL Chapter 9-55, the City of Rapid City created Business Improvement District No. 1; and

WHEREAS, the purpose of Business Improvement District No. 1 is to market and promote the City of Rapid City and the hotels and motels located within the district through Visit Rapid City; and

WHEREAS, the boundaries of Business Improvement District No. 1 include noncontiguous property within Rapid City; and

WHEREAS, SDCL § 9-55-4 allows any business improvement district that includes noncontiguous property to add, by resolution of the governing body, qualifying property to the district; and

WHEREAS, the Staybridge Suites is a qualifying property that currently is not within the boundaries of the district; and

WHEREAS, the Rapid City Common Council deems it in the best interests of the City of Rapid City to add the Staybridge Suites within the boundaries of Business Improvement District No. 1.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following property is hereby included within the boundaries of Business Improvement District No. 1:

<table>
<thead>
<tr>
<th>Property</th>
<th>Rooms</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staybridge Suites</td>
<td>102</td>
<td>1314 Luna Ave</td>
<td>Rapid City</td>
<td>SD</td>
<td>57701</td>
</tr>
</tbody>
</table>

Dated this 2nd day of April, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
(SEAL)

CIP Committee Consent Items
32. No. CIP031618-00 - Acknowledge Capital Improvement Programs Committee Monthly Update for January 2018
33. No. CIP031618-01 – Approve CIP carry forward from 2017
34. No. CIP031618-02 - Approve Updated 5-Year CIP Plan with new Sales Tax Allocation Implementation

Bid Award Consent Items
36. No. CC040218-02.2 – Approve award of Total Base Bid Plus Alt 1A Plus Alt 2A for Alley South of Kansas City Street between 4th Street and 2nd Street Sanitary Sewer Improvement, Project No. 16-2338 / CIP No. 50827 opened on March 27, 2018 to the lowest responsible bidder,. Mainline Contracting, Inc.in the amount of $352,298.00.
37. No. CC040218-02.3 – Approve award of Total Bid, contingent on South Dakota State DENR concurrence and approval, for East Rapid City Water Expansion Anderson Road Water Main Extension, Project No. 14-2194 / CIP No. 50964.B opened on March 27, 2018 to the lowest responsible bidder, Lind-Exco, Inc. in the amount of $824,868.51

38. No. CC040218-02.4 - Approve award of Total Base Bid plus Alternate Number One for Parks Parking Lots Improvements, Project No. 18-2408 opened on March 27, 2018 to the lowest responsible bidder, Simon Contractors of South Dakota, Inc. in the amount of $70,605.65.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 39 – 45
Mayor read in item (PW032718-14) Declare Rimflow, Inc. as the sole provider of swimming pool coping repair and authorize the Mayor and Finance to Sign the Agreement with Rimflow, Inc. for Parkview Swimming Pool Coping Repair Project PR18-6164. Motion was made by Scott, second by Lewis to approve. In response to a question from Scott, Biegler said the Rimflow was being named the sole source since they are the only company that was found with the equipment and parts for the system. Biegler said the pool is over 20 years old. The company is out of New York that did the original design. The life expectancy is 15 years. Motion carried 10-0.

Mayor read in item (PW032718-03) Authorize Staff to Advertise for Bids for 2018 Lane Line Painting, Project No. 18-2439 / CIP No. 50594. Estimated Cost: $110,000.00. Motion was made by Drew, second by Salamun to approve. In response to a question from Drew, Tech said most of the streets get painted at least once a year and some get painted twice. The temperature has to be warm to paint. The manual tells you the colors each line has to be painted. Motion carried 10-0.

Mayor read in item (PW032718-04) Authorize Staff to Advertise for Bids for Bus Passenger Bench and Bus Passenger Bench Advertising. In response to a question from Modrick, Tech said it costs the City money to maintain the benches. He said this could be a revenue source for the city. The buyer would maintain and do advertising per city code. Tech said there are about 75 benches. He said whoever buys them, will have to maintain them. Modrick thinks the city is moving backwards. She thinks they can generate $35,000 another way. In response to a question from Scott, Tech gave a brief history on the benches. He said by selling them, they will generate revenue and the city won't spend any money maintaining them. Tech said the city has about the maximum number of benches allowed. New company isn’t required to put anymore in. The code is specific to benches. Tech said the contract between the city and new company hasn’t been written yet. Council would like to limit the amount of political ads on the benches. Motion was made by Lewis, second by Laurenti to approve. Substitute motion made by Scott, second by Modrick to continue this item to the next Public Works meeting to get more information. Motion passed 9-1 with Lewis voting no.

Mayor read in item (PW032718-08) Authorize Mayor and Finance Office to Sign Amendment No. 1 to the Agreement Between the City of Rapid City and the South Dakota Department of Transportation for Improvements to Lacrosse Street At Grade Railroad Crossing. Motion was made by Salamun, second by Roberts to approve. In response to a question from Salamun, Tech said the city does not have input as to which railroad crossings get upgraded. The city has to upgrade the roadway with the railroad so it transitions more smoothly. Tech said he would do more regular updates if he could. Scott said it seemed like more improvements were coming forward because of the new owner. Tech said there is normally an improvement to one of the railroads each year. Motion carried 10-0.

Mayor read in item (LF032818-01) Acknowledge February 2018 General Fund Cash Balance Report. In response to a question from Scott, Sumption said the city could make a short-term loan to themselves if there was ever a deficit. She stated that they have done this before. She noted that the sales tax
payment that is normally received in February was received in March. Motion was made by Salamun, second by Drury and carried to approve.

Mayor read in item (LF032818-05) Approve Resolution No. 2018-027A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property. Sumption said that Douglas Williams needed to be removed from the assessment roll since he paid his assessment in full. Motion was made by Scott, second by Drew and carried to approve Resolution 2018-027A and removing Douglas Williams.

RESOLUTION No. 2018-027A
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 2nd day of April, 2018. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 7th day of May, 2018 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 2nd day of April, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Mayor read in item (LF032818-10) Authorize Mayor and Finance Officer to Sign Agreement for Independent Contractor Services for Appraisals with Voegele Appraisal for CDBG Program’s Simplified Living Program. Lewis said he would be abstaining. Motion was made by Scott, second by Drew and carried 9-0 to approve.

NON-CONSENT ITEMS - Items 39-45
Mike Sabers, attorney for Epic Advertising, addressed the Council. He said he started on this case in 2005. He said there are four boards in question called the public purpose boards. They were put in place in 2005. They were able to run motion and had to put in 20% non-profit advertising. From 2005-2012, Epic complied with regulations. In 2012 an ordinance got passed that said off premise there shall be no motion. The city code provides for this, if you look at Chapter 17.50.080 lawful non-conforming signs.
These signs were legal when they were built. In 2012, they became legal-conforming signs. They continued to function from 2012-2015. In 2015, the city began to get inundated by a select group of people who disliked billboards. The group claimed that Epic was not complying with 20% non-profit ads. Epic provided data that they were complying. That issue was dropped. Sabers explained that the city got complaints that signs were not supposed to have motion. Sabers said their response was it was a lawful non-conforming use. The use of these boards has never changed, as a result, they were grandfathered in. They got taken to the Zoning Board and Sabers read the South Dakota Supreme Court case. The Supreme Court told the city they can't retroactively apply zoning ordinances. Epic had to go to court to protect the signs that were operated in conformity with the statutes. The first time a settlement came before Council they did not settle and went to court. The City lost the case. Epic is here to try and settle again. Sabers said there would be no new billboards. There is no longer motion in the signs. There will be uniformity on the Interstate into and out of Rapid City. No tax payer money will be spent on this settlement agreement. Sabers said Scenic Rapid City is causing unnecessary lawsuits for the City.

Brendan Casey, owner of Epic Outdoor Advertising, yielded his time to Mike Sabers. He said there is additional comfort for the city in having finality. Sabers said Scenic Rapid City has been using the attorney’s office at no cost to them but great cost to the City. The law is clear, you can't retroactively apply zoning ordinances. Rushmore crossing, the downtown and hopefully the new civic center will need advertising. Epic wants signs to be approved at Dyess Avenue and Deadwood Avenue. One billboard can run four advertisers. Scenic Rapid City doesn’t have to use their own attorney’s because they use the city attorney’s and don’t pay for it. They continue to put the city in difficult positions. The settlement agreement brings about finality it doesn’t cost the city any money. Epic wants to move forward, Scenic Rapid City wants to continue fighting. Mike Quasney said the signs were put in on those spots without permission and that’s why they agreed to use the non-profit messages. He is against the settlement. He thinks the sign industry has had its way for too long. He said there are empty billboards along I-90 that they were supposed to take down but haven’t. He asked what Rapid City is doing to address the state laws about the billboards to get things changed. He said we need to change the way this industry is allowed to operate. Jim Shaw said it was back in 2011 when they had initiated measures on the ballot, 66% of citizens voted to limiting billboards. He said the top complaint of visitors is why there is so many billboards. He stated the Scenic Rapid City has never suggested eliminating or taking down any billboards. They want to stop or limit the number of billboards and the type of billboards, particularly the digital billboards. He sees no reason to compromise here. Diane Knutson asked the council not to sign the settlement. She said the beautification of Rapid City is important. She enjoys living and operating a business in Rapid City. The amount of distraction from billboards is not safe. She paid to have billboard at night with the intent to leave the lights off on the billboard and they still turned on the lights even when they were told and being paid to leave them off. We need to keep control of what we want our city to look like. She doesn’t think billboards are a good way to promote non-profits. Debra Jensen, Secretary of Scenic Rapid City, said this settlement offer strips away citizen rights and the ability of city government to protect and preserve citizen rights. She stated that Epic wants the city to remove conditional use permits on existing billboards, by doing so you now deprive citizens of the right to even offer input when a billboard is structurally changed in size or perhaps converted. She thinks Epic wants you to remove citizen rights to receive public service messages through some of their billboards. This would be a blow to non-profit organizations as well. She believes Epic wants you to ignore city rules regarding billboard size, height, and distance and cut a swath through the city for billboards that would be two and a half times bigger, ten feet higher and closer together and there is no mention of sign credits in the settlement. She asked if Epic wants the city to ignore the rule that sign credits need to be used when building billboards. If the city doesn’t require sign credits for Epic, how can they require sign credits for other billboard companies? Does this make sign credits worthless? How will this affect the other lawsuit that Epic has ongoing with the city right now? She urged the council to continue to defend citizen’s rights and free speech. Suzan Nolan addressed the council. She said she is not part of Scenic Rapid City just a concerned citizen. She does not care for billboards. She thinks people are horrified by the number of billboards outside of our community and creeping into our community. She believes the city needs to put a stop to this. She wants the council to make the decision that stands up for the people of our community. Jim Petersen said back in 2005 that Epic put up four billboards without a building permit or
 conditional use permit. There was a dilemma about having them take them down. He said the pro-
business people said it was unreasonable. So they came up with an agreement which stated Epic would
provide 20% of all the advertising on those four billboards for community use. Epics advertising time is
worth lots of money. Now the city is going to go back on that agreement and not require them to provide
20% of ads to non-profits. He said if the city wanted to get rid of billboards they should consider buying
them from the billboard companies. He stated there used to be an ad hoc committee years ago to rewrite
the sign ordinance. They met for six months and made a statute and now the council is going to say no
forget the 250 feet that we all agreed on and let Epic make these giant billboards like on the rest of the
highway. This doesn’t seem like a viable concept to him. Fred Thurston said our community depends on
tourism and tourists have said one of the biggest drawbacks in Rapid City is the billboards. He stated
seven years ago Rapid City voted on what to do. 66% of the city that voted said no more billboards. He
hopes that council listens to the public. Joe Leichtnam thinks the billboards are a visual blight. He would
rather see the beauty of the hills. He would like to see lighting and billboards shut down at night. He
wants council to stay with the desires of how citizens voted in the past.

Ordinances
Ordinance 6243 (LF031418-06) An Ordinance Regarding Supplemental Appropriation #2 for 2018
having passed its first reading on March 19, 2018 motion was made by Scott, second by Drew that the
title be read the second time. Upon vote being taken the following voted AYE: Scott, Drew, Nordstrom,
Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury; and Roberts; NO: None; whereupon the Mayor
declared the motion passed and Ordinance No. 6243 was declared duly passed upon its second reading.

Ordinance 6242 (No. 18RZ007) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City
Municipal Code, a request by KTM Design Solutions, Inc for BH Capital, LLC for a Rezoning from
General Agricultural District to Low Density Residential District II for property generally described as
being located east of North Valley Drive at the western terminus of Homestead Street. Motion was made
by Salamun, second by Nordstrom and carried that Ordinance 6242 be placed upon its first reading and
the title was fully and distinctly read and second reading set for Monday, April 16, 2018.

Legal & Finance Committee Items
Scott read in item (LF032818-07) Approve Authorize Mayor and Finance Officer to Sign Assignment for
Tax Increment District Number Eighty Between The North Atlantic Developers, LLC, First National Bank,
and the City of Rapid City. Motion was made by Drew, second by Robert to approve. Motion carried 8-2
with Laurenti and Scott voting no.

Scott read in item (LF032818-12) Authorize Mayor and Finance Officer to Sign Settlement Agreement
Between the City of Rapid City and Epic Outdoor Advertising, Inc. Motion was made by Scott, second by
Modrick to deny. Scott asked to suspend the rules just for this item. Council voted no to suspend the
rules 8-2 with Scott and Modrick voting to suspend the rules. In response to a question from Scott,
Nyberg said the agreement has been revised since the agenda was posted last week. Nyberg said that
Landeen confirmed that the settlement agreement is the same or very similar to the one presented a few
months ago. Scott said before the council can talk about a separate sign district along the interstate or
looking at another the other items on the settlement, she has a problem with asking city council members
to agree tonight to change an ordinance when they don’t have the ordinance in front of them. They are
saying yes they will agree to a change in the ordinance that the Planning Commission also has their
hands tied because even if they don’t think it’s a good idea, it’s still going to come to city council. Nyberg
said the key points are spelled out in the agreement but Scott is correct that an ordinance has not been
drafted yet. In response to a question from Scott, Nyberg said it would be a breach of the agreement if
council didn’t sign the future ordinance. Scott said she is not opposed to developing a separate district.
But the decision before council tonight, in her opinion, legally ties her hands and she will not vote for
something that she cannot review and study and get behind, so she won’t vote for this tonight. Modrick
said the sign code is built with layers of community, industry, past city councils, ad hocks, and Mayor’s
for decades. The sign code is there for guidelines and reasonable regulations that are good for
everybody. It’s been a cooperative effort to make good on the rules of size, spacing, and limitations by many people at the table over many years. She said if they cut and paste a sign code that would be as bad a government that you can do. There is a lot of historic value that the council can’t forget. She asked the council to be responsible in government and not fall short of the vision of the master plan of the comprehensive plan by just trying to make good all of a sudden quickly because historically it always comes back. She said the old billboards never come down, they are there for perpetuity. She wants to preserve and protect the sign code. She thinks the city needs to take this to a judge and allow the judgement by appeal to make the final decision on behalf of the council. Substitute motion was made by Lewis, second by Robert to approve the settlement. Lewis is not for or against billboards. He said the council’s hands are tied by state law, every time they try and stop billboards they get sued and they lose. He said they keep spending the taxpayer’s dollars over and over to lose again. He stated that billboards wouldn’t be there if they weren’t being used. Businesses try to get the best bang for their buck with their advertising dollars, so billboards must work. He doesn’t think it’s a good message to fight with viable businesses who want to do business in Rapid City. In response to a question from Nordstrom, Sabers said there is either one or zero billboards built in the last ten years. He does not think the city has found one additional spot where a billboard would be allowed along the interstate. Nordstrom questioned Sabers on Conditional Use Permits. Sabers said the city requires a CUP both if you’re going to build a board and if you are going to modify a board. The position in the settlement agreement that has been offered is the conditional use permit would remain on anyone that wants to build a new board. However, anyone who has an existing board doesn’t have to go through another CUP their fallback is it still has to be a legal use or legal modification which have to comply with the other provisions of a very stringent billboard code. That would be the protections that would continue to exist and the city’s fallback would be the existing code. Nordstrom looks at this as being a compromise. He said the state legislatures need to change their mind if the sign code is going to change in the state. He stated they made a presentation to them and they didn’t want to make any changes to it. Drew said she worked in the non-profit field and knows that digital billboards are an affordable and easy way to advertise. She stated that digital billboards are beneficial for non-profits so she can’t say they are a bad thing. Drew said her scenic view of Rapid City has not just gone away from billboards but also by houses and developments, because they all block the view. Drew said the compromise is giving in to saving money because this uses a lot of resources and time. The council has been doing this since 2005 and they aren’t winning so it’s time to move on. Salamun agrees with the mission of keeping Rapid City beautiful but there is a rule of law that’s in play and we’re losing and continue to lose. He appreciates taking the motion off the four billboards offered in the settlement. He is not anti-billboard, he thinks there is a place for them. He is ok with not paying any more legal fees because he’s not sure it’s a winning battle. Salamun stated there is another lawsuit going on dealing with the sign credits and these two are totally separate. He visited other areas and saw modern billboards and think they are better looking than the one ones. He said there is a clash between law and the community vote. He would like to get to a place where the city can revise the sign ordinance moving forward. Laurenti recalled late nights working on revising the sign ordinance and has an appreciation for the work the council put into doing this. He believes they could have done so much better and saved the taxpayers much more money and be in the same place they are today. There is regret in making this a political fight. He said the most complaints come from on premise signs. He is going to support this because they need to move on. Motion passed 7 to 3 with Drury, Modrick and Scott voting no.

**Community Planning & Development Services Department Items**

Motion was made by Drew, second by Roberts and carried to approve (No. 18PL011) A request by KTM Design Solutions, Inc for BH Capital, LLC for a Preliminary Subdivision Plan for Lots 1 thru 26 of Block 1, Lots 1 thru 26 of Block 2, Lot 1 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5 and Lot 1 of Block 6 of Golden Valley Subdivision, generally described as being located east of North Valley Drive at the western terminus of Homestead Street with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale; 2. Prior to approval of the Development Engineering Plan application,
submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street, 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 document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Golden Valley Drive and Cadillac Drive shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. 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. In addition, utility easements shall be provided as needed; 6. 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. Utility easements shall also be provided as needed; 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 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. Prior to submittal of a Final Plat document, a different street name for Golden Valley Drive shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name; 11. Prior to submittal of a Final Plat application, the lot numbering in Block 1 shall be corrected to show consecutive numbers; 12. Prior to submittal of a Final Plat document, the property shall be rezoned to Low Density Residential District II to meet the minimum lot size requirement for a residential lot; 13. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing ownership and maintenance of the proposed drainage elements; 14. 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, 15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Motion was made by Drew, second by Nordstrom and carried to approve (No. 18PL012) A request by KTM Design Solutions, Inc for Alta Terra Development, Inc. for a Preliminary Subdivision Plan for Lot 1 and Lot 4 of Moon Meadows Park Subdivision, generally described as being located northeast of the intersection of Mt. Rushmore Road and Moon Meadows Drive with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Mount Rushmore Road (U.S. Highway 16) shall be submitted for review and approval. In particular, the construction plans shall show the construction of curb, gutter, sidewalk and a dual water main or an Exception shall be obtained.
If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 2. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction 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; 3. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 4. Prior to submittal of a Final Plat application, new street names for Glo Court and Bewest Lane shall be submitted to the Emergency Services Communication Center. In addition, the approved street names shall be shown on the plat document; 5. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the MDE drainage channel; 6. Upon submittal of a Final Plat application, the plat document shall show the dedication of all necessary easements including major drainage easements, shared access easements and utility easements and right-of-way for the internal streets; 7. 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, 8. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**Bid Awards**
Motion was made by Drew, second by Modrick to (No. CC040218-02.1) Approve award of total bid for 2018 Street Patching Project, Project No. 17-2411 / CIP No. 50844 opened on March 27, 2018 to the lowest responsible bidder, J&J Asphalt Company in the amount of $221,478.00. Nyberg said all of the unit prices were listed in the bid but there was no total. The city engineer added the unit prices for the total price. Motion carried 10-0.

**PUBLIC HEARING ITEMS – Items 46 – 50**
**CONSENT PUBLIC HEARING ITEMS – Items 46 –49**
Motion was made by Lewis, second by Drew and carried to approve Items 46-49 as they appear on the Public Hearing Items.

**Alcohol Licenses**
46. Main Street Square DBA Main Street Square for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for events scheduled for May 5, 2018; May 12, 2018; August 12, 2018; and October 6, 2018 at Main Street Square, 526 Main Street.
47. Ana Line Enterprises, LLC DBA Sabor A Mexico, 208 E North St. for a Retail (on-off sale) wine License.
48. Apple RAP, LLC DBA Applebee’s Neighborhood Grill & Bar, 2160 Haines Ave for a Retail (on-sale) Liquor License TRANSFER from Porter Apple Company, DBA Applebee’s Neighborhood Grill & Bar, 2160 Haines Avenue.

**Assessment Rolls**
49. LF032818-02 – Approve Resolution No. 2018-017B a Resolution Levying Assessment for Sidewalk Repairs SWK16-2344

RESOLUTION NO. 2018-017B
RESOLUTION LEVYING ASSESSMENT FOR
SIDEWALK REPAIRS SWK 16-2344

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 property cleanup is the amount stated in the proposed assessment roll.

2. The Assessment Roll for Sidewalk Repairs SWK 16-2344 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 the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in five annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%)

Dated this 2nd day of April, 2018.

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 – Item 50

Ordinance 6241 (No. 18RZ006) Second Reading, Ordinance 6241, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Aces for Mike Kuhl of Pennington County for a Rezoning request from General Commercial District to Public District for property generally described as being located south of Kansas City Street between 4th Street and 1st Street having passed its first reading on March 5, 2018, motion was made by Drury, second by Salamun, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts, NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6241 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - APRIL 2, 2018

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Sumption presented the bill list of $3,857,418.84. Motion was made by Modrick, second by Drew and carried to authorize (No. CC040218-01) 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 Lewis, second by Laurenti and carried to adjourn the meeting at 8:22 p.m.

Dated this 2nd day of April, 2018.

ATTEST:

__________________________
Finance Officer

(SEAL)