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, July 16, 2018 at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Fire Chief Rod Seals, Community Development Director Ken Young, Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler, and Administrative Secretary Angie Boeve

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

AWARDS AND RECOGNITIONS
Mayor Allender and Chief Jegeris recognized Jim Ronfeldt for his 30 years of service. He was thanked for his dedication to the City of Rapid City and congratulated for his work over the years.

Mayor Allender and Chief Seals recognized Calen Maningas for his accomplishments and recent graduation from the National Fire Academy Executive Fire Officer Program.

Mayor Allender and Don Martinez with the Rapid City Sustainability Committee presented the Sustainability Award to the Western South Dakota Community Action Agency and Linda Edel, Executive Director from 1981-2016 for their contribution to the social, environmental and economic sustainability and viability of Rapid City. The agency was founded in 1965 war on poverty in Rapid City and now serves 15 counties in western South Dakota.

GENERAL PUBLIC COMMENT
Bruce Evans, one of the four directors of the Rapid City Municipal Bands thanked the Council and the Parks Department for their wonderful job of cooperating with them and putting together the Fourth of July celebration. They estimated 3,000-4,000 people in attendance. It was great timing, as the concert ended, people turned and the fireworks began. The Rapid City Municipal Bands has been in existence for 100 years and currently there is a display at the Journey Museum of its history. Rapid City has a history of great bands that goes way back, Walt Disney did a movie based on the bands in Rapid City. This year's celebration was a perfect moment in representing how well things happen in this town with the talent pool in the performing and visual arts when everyone works together. One member of the band has been a member for 51 years and three others for 49 years. Evans also thanked Alderwoman Armstrong for reading the proclamation.

NON-PUBLIC HEARING ITEMS -- Items 3 – 19
CONSENT ITEMS – Items 3 – 17
The following item was removed from the Consent Items:

16. LF071118-07 –Authorize Mayor and Finance Officer to sign the Standard Form Agreement Between Owner and Architect with Perkins + Will, Inc. for the Civic Center Arena Project.
Motion was made by Drury and second by Laurenti and carried unanimously to approve items 3-17 as they appear on the Consent Items with the exception of 16.

Approve Minutes
3. Approve Minutes for the July 2, 2018 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (August 6, 2018)
4. Zonta Club of the Black Hills for a SPECIAL EVENT On-Sale Dealer License for an Event scheduled for October 4, 2018 at the Civic Center; 444 Mt. Rushmore Road.
5. Naja Shrine for a SPECIAL EVENT On-Sale Dealer License for an Event scheduled for August 18, 2018 at the Naja Shrine, 4091 Sturgis Road.
6. MG Oil Company DBA Chances Casino 3, 1565 Haines Ave. Ste. C-2 for a Retail (on-off sale) Malt Beverage Licenses TRANSFER from MG Oil Company DBA Happy Jacks Valley, 747 Timmons Boulevard Suite B.

Public Works Committee Consent Items
7. PW071018-01 – Authorize Staff to Advertise for Bids for Saint James Sanitary Sewer – Mount Rushmore Road to 9th Street, Project No.18-2442 / CIP No. 51200. Estimated Cost: $85,000.00.
8. PW071018-02 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and JVC Partnership for Construction of Public Sewer Main along Plant Street.
9. PW071018-03 – Authorize Staff to Advertise for Bids for Six (6) Pre-Wet Systems. Estimated Cost: $26,000.00.

Legal & Finance Committee Consent Items
10. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Charlie Flying Horse (Library), Jessie Scheitler (Parks & Recreation), Jamie Kennedy (Parks & Recreation), Kirsten Kennedy (Parks & Recreation), Jessica Linquist (Parks & Recreation), Seth Keen (Parks & Recreation), Mike Heitland (Parks & Recreation), Paul Olson (Parks & Recreation), Cody Thorson (Parks & Recreation), Kip Harrington (Parks & Recreation), Kari Harrington (Parks & Recreation), Chris Seeley (Parks & Recreation), Lucas Haan (Parks & Recreation), Kimberly Osberg (Parks & Recreation), Jeremy Dueter (Parks & Recreation), Robert Brown (Parks & Recreation), Marge Marken (Parks & Recreation), Erika Winchester (Parks & Recreation), Kay Baker (Parks & Recreation), Gary Miller (Parks & Recreation), Renee Kahler (Parks & Recreation), Bonnie Wheaton (Parks & Recreation), Julie Schad (Parks & Recreation), Tiffany Riske (Parks & Recreation), Leslie Silberman (Parks & Recreation), Dani Hersrud (Parks & Recreation), Marin Maciver (Parks & Recreation), Bethany Garrison (Parks & Recreation), Margo Allen (Parks & Recreation), Ron Yahne (Parks & Recreation), Mark Rafferty (Parks & Recreation), Chloe Rudd (RSVP+)
11. LF071118-01 – Acknowledge Annual Reports to Council per Rapid City Municipal Code 2.40.080
12. LF071118-02 – Acknowledge May 2018 General Fund Cash Balance Report
14. LF071118-05 – Acknowledge Report on Retail (on-off sale) Malt Beverage Licenses Eligible for Video Lottery
15. LF071118-06 – Acknowledge Public Comments Received on Consolidated Annual Plan Performance Evaluation Report (CAPER), Approve the FY2017 CAPER and Authorize Mayor and Finance Officer to Sign the SF 424 and Certifications

Bid Award Consent Items
17. CC070218-02.3 – No Bids Received. Authorize Staff to Re-Advertise for Bids for Two (2) 8000 Pound Triple Stage Forklifts. Estimated Cost: $148,000.00.

END OF CONSENT ITEMS
Mayor read in item (LF071118-07) Authorize Mayor and Finance Officer to sign the Standard Form Agreement Between Owner and Architect with Perkins + Will, Inc. for the Civic Center Arena Project. City Attorney Landeen pulled this item from agenda for a minor change acknowledgement. Landeen stated that the architect license number on the title page is incorrect, it has been updated. Motion was made by Scott, second by Drew and carried to approve.

NON-CONSENT ITEMS – Items 18 – 19

Ordinances
Ordinance 6263 (LF062718-04) An Ordinance Regarding Supplemental Appropriation #4 for 2018 having passed its first reading on July 2, 2018 motion was made by Laurenti, second by Drew that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Modrick, Nordstrom, Drew, Scott, Drury, Laurenti, Roberts, Armstrong, and Lewis; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6263 was declared duly passed upon its second reading.

Public Works Committee Items

Tech thanked the Mayor, Council and Public for being there. He stated that he, along with Kale McNaboe and Paul Kraft from Sperlich Consulting, gave this presentation at last week’s Public Works Committee. There were five items focused on in the presentation, History of Stormwater Management and Floods; Meade Hawthorne Drainage Basin Discussion; Sperlich Engineering Presentation; Drainage Project Funding Source; and Protect Your Property, Flood Insurance.

Rapid City was founded in 1876 before South Dakota was a state and when stormwater management wasn’t given a lot of consideration. Consideration was finally given to stormwater management in the 1920’s. Tech discussed historical floods prior to the 1972 flood.

The Corp of Engineers ultimately created flood plain maps, which Tech believes were first issued for Rapid City in 1976. The first drainage criteria manual was patterned off what they do in the foothills of the Denver Metro area as their storms are very similar to those in the Rapid City area. The plans show the basins and give general improvements that are necessary to protect the city on varying levels of flooding such as a 10-year or 100-year storm. There are twenty-one drainage basins and all but one are in the Rapid Creek Basin. The Box Elder basin is the newest part of the study that’s been adopted. Tech believes they have studies that cover virtually all of the annexed areas of Rapid City with the exception of the airport. A lot of the basins are old, there have been some updates, one of the goals the City should have is to update these with better technology and rainfall data to give us a better idea of the drainage concerns throughout the community. Tech provided a history or projects the City has undertaken, starting in 1977. Staff believes it is time to look at the five phase plan for the Meade area and update it using newer methodology and look for options other than burying it underground. The City staff, using the stormwater utility funding has identified a capital improvement plan to study this area, hiring a consultant, by the end of this year and fund the study for next year to see what options there are in the Meade channel Hawthorn area and see what type of drainage projects they can get on the books to build in the future.

McNaboe and Kraft outlined the recent improvements in the Robbinsdale Park area, which included an improved regional detention cell in Robbinsdale Park. They also reviewed the impact of the May 18th rain event and the steps they took following it to try to determine the amount of water that was being forced onto Fairlane Drive to evaluate its effect on the detention cell. Kraft concluded by discussing what future projects they would like to see completed, some of which have already been scheduled.
Tech discussed the stormwater drainage utility fee, which was approved by the City Council in 2013. Annual funding is approximately $2.4 million collected as an assessment and about one million dollars a year goes for maintenance while the remainder is used for drainage capital projects. The stormwater utility fee is based on a formula of lot size times runoff weighting factor times a unit charge. The average residential fee in Rapid City is about $35 per year. Tech reviewed the stormwater utility funded CIP projects for 2015-2018 that have been constructed or are under construction right now.

Tech further discussed how people can protect their property, both with improvements to your property and with the purchase of flood insurance. Motion to acknowledge by Lewis and second by Armstrong.

Nordstrom voiced his concerns and recommended this item go to the CIP Committee to review all of the items that are listed.

Salamun also voiced his concerns both for the homeowners who have had flooding as well as the need for additional funding.

Drew reiterated the need for homeowners to do what they can to also protect their property due to the need for additional funding for the City to complete the many drainage projects that need to be done.

Laurenti questioned the use of GIS data by FEMA for the drainage studies and in the use of producing their flood maps. Tech stated the City obtained information through their GIS aerial data which comes with land elevations and is of good enough quality to do modeling for future studies. The work completed by Sperlich and other consultants is even more detailed; they are out on the ground doing surveys to verify the actual on ground elevations and doing a very detailed, accurate study. The City will continue with this as it is the most accurate way.

Modrick also had some questions for Tech regarding citizen input as part of the ongoing drainage studies that will be taking place and how these people get information to the City in regards to what they are dealing with. Tech responded there are 21 drainage basins in Rapid City and it is pretty easy to break the city down into manageable pieces like those drainage basins and to focus on one or two at a time or whatever it takes. Modrick asked what the council should do to help their public. Tech recommends Council to refer people to share the information from the presentation; they should protect their property and do what they can to make sure they have positive drainage; work with their neighbors to keep debris cleaned up; if there are small drainage channels, keep them clean and functional, that is the best advice to give the citizens.

Roberts noted that Ward 4 recently had drainage improvements completed in relation to East North Street. Roberts noted the model is what is important so you can see what is happening upstream, downstream and how the different basins are reacting to each other; the model would be very helpful in showing the City where they can maximize the tax dollars to either get some of the properties out of the floodplain or minimize the water that is in the right-of-way or in people’s yards.

Motion to acknowledge carried.

PUBLIC HEARING ITEMS – Items 20 – 23
Pat Roseland of Sensor Rapid City voiced his opposition to the sign ordinance, item 23 on the agenda.

CONSENT PUBLIC HEARING ITEMS – Item 20 – 22
Motion was made by Nordstrom and second by Drury and carried unanimously to approve items 20-22 as they appear on the Consent Public Hearing Items.

Alcohol Licenses
19. BPC Rapid City LLC DBA Boss’ Pizza and Chicken, 325 Omaha Street Suite 6 for a Retail (on-off sale) Malt Beverage License
20. Central State Fair, Inc. for a SPECIAL EVENT On-Sale Dealer License for an Event Scheduled for July 28, 2018 at 1300 Cherry Avenue

Assessment Rolls

RESOLUTION NO. 2018-044B
RESOLUTION LEVYING ASSESSMENT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2018

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 2018 is the amount stated in the proposed assessment roll.

2. The Assessment Roll for Business Improvement District 2018 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 16th day of July, 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 23
Mayor read in Ordinance 6262 (No. 18OA013) An Ordinance Amendment to Amend Certain Provisions within the Sign Code by Amending Section 17.50.090 of the Rapid City Municipal Code. Modrick voiced her opposition to this ordinance, highlighting the outcome of the election in June 2011. She hoped the council would reconsider and do the right thing. Motion was made by Laurenti, second by Roberts to approve. Laurenti stated he wanted to correct the record as he was on the Council in 2011 when this was really heated. The voters did approve, by 56%, to ban digital signs. Unfortunately, the Supreme Court threw that out as unconstitutional. The City’s sign code has been written based on litigation since that period and the entire code has been improved, since the beginning of the lawsuit. Voters were lead to believe that if they voted for this, there would be a total ban on digital signs which was found unconstitutional. For anyone on the council to say the old code should still be in place, is denying the facts of what occurred since 2011. This is a much better sign code than what there was in 2011 and this
is part of the end to a bad situation. Unfortunately, they could have gotten to this point without spending hundreds of thousands of dollars of the taxpayers money litigating this when we could have worked with the sign companies to get to the same place they are today. Having passed its first reading on July 2, 2018, motion was made by Laurenti, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Nordstrom, Drew, Laurenti, Roberts, Armstrong, and Lewis; NO: Modrick, Scott, and Drury. Whereupon the Mayor declared the motion passed and Ordinance No. 6262 was declared duly passed upon its second reading with a vote of 7-3.

**BILLS**
The following bills have been audited:

**BILL LIST - JULY 16, 2018**

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Sumption presented the bill list of $7,254,343.01 Motion was made by Laurenti, second by Salamun and carried to authorize (No. CC071618-01) the Finance Officer to issue warrants or treasurer 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 Armstrong, second by Laurenti and carried to adjourn the meeting at 8:11 p.m.

Dated this 16th day of July, 2018.

ATTEST:

__________________________________________
Finance Officer

__________________________________________
Mayor

CITY OF RAPID CITY