

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 5, 2018

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, November 5, 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, Becky Drury, Steve Laurenti, John Roberts, Laura Armstrong; and Chad Lewis the following Alderpersons arrived during the course of the meeting: Amanda Scott; and the following were absent: None

Staff members present included: Deputy Finance Officer Tracy Davis, City Attorney Joel Landeen, Assistant Police Chief Don Hedrick, Fire Chief Rod Seals, Community Development Director Ken Young, Public Works Director Dale Tech, Parks and Recreation Director Jeffrey Biegler, Community Development Specialist Barb Garcia, and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

Motion was made by Salamun, second by Nordstrom and carried to adopt the agenda.

AWARDS AND RECOGNITIONS

John Buxton was recognized for his retirement and serving the Rapid City Fire Department for 24 years. Seals remarked on his dedication and work ethic. He thanked him for his service to the City of Rapid City.

Mayor Allender read in the Proclamation for World Diabetes Day. Lauren Dooley spoke on behalf of World Diabetes Day. She thanked family and friends for their support and asked the community to continue to stay informed and help where they can.

NON-PUBLIC HEARING ITEMS -- Items 3 – 72

Mike Mueller spoke on item 31 (PW103018-22). He is the chair of the West Dakota Water Development District. He feels there is misinformation going out to the public. He invited citizens to go to the website, www.westdakotawater.com to look at agendas and minutes. He thanked Dave VanCleave for being involved in several meetings. They have nine area directors representing West Dakota in a representative form of government. The petition for the South Dakota water management board asks for a declaratory ruling on an administrative rule granting exemptions of on-site wastewater systems older than February 28, 1975 if they are not changed; causing the ground water to become polluted or the systems are allowing wastewater to surface. The Public Works Committee County Commission has chosen to oppose this. They sent a letter to the water management board in March 2018 and asked for an answer to that ruling and there was no response. In August they passed to have a petition sent to them and SDDENR said for the petition they needed to bring legal counsel. They chose to spend up to \$7500 to hire Chuck Jasper to represent them. He asked the council to vote no on this item and not take the citizen's rights away.

CONSENT ITEMS – Items 3 – 55

The following items were removed from the Consent Items:

28. PW103018-19 – Approve Request from Genesis Capital LLC for a Variance to Waive the Requirement to Install Sidewalk along Seger Drive, Rapid City, per City Ordinance 12.08.060.

29. PW103018-20 – Approve Appeal by Sperlich Consulting, Inc. on behalf of SODAK Development to approve an Exception Request to waive the requirement to install public improvements in Reservoir Road.
30. PW103018-21 – Approve Appeal by KTM Design Solutions for an Exception Request to allow a reduced pavement width for Dyess Avenue (a minor arterial) and waive the requirement to install curb, gutter and street light conduit.
31. PW103018-22 – Acknowledge information regarding petition from the West Dakota Water Development District to the South Dakota Water Management Board requesting a Declaratory Ruling concerning the City of Rapid City’s Septic System Ordinance and the City of Rapid City’s Petition in Opposition.

Motion was made by Laurenti, second by Drury and carried to approve items 3-55 as they appear on the Consent Items except 28, 29, 30 and 31.

Approve Minutes

3. Approve Minutes for the October 15, 2018 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (November 19, 2018)

4. Contraband LLC DBA Contraband LLC, 601 Kansas City Street, Suite 6 for a Retail (on-off sale) Malt Beverage and SD Farm Wine license
5. Youth and Family Services for a SPECIAL EVENT on Sale Malt Beverage license and on-Sale Wine license for an Event scheduled for February 8-9, 2019 at Youth and Family Services, 120 E Adams Street
6. Piesano’s Pacchia Inc. (Stacey Livermont) DBA Piesano’s Pacchia, 3618 Canyon Lake Drive #121 for a Retail (on-off sale) Wine and Cider License TRANSFER from Piesano’s Pacchia Inc. (Peggy Livermont) DBA Piesano’s Pacchia, 3618 Canyon Lake Drive #121
7. B & B Kelley LLC DBA Whiskey and Prime, 1415 N LaCrosse Street, Suite 4 for a Retail (on-sale) Liquor License (Inactive) TRANSFER from B & B Kelley LLC DBA Historic Freight House, 306 Seventh Street

2019 Retail (on-sale) Liquor License Renewal

8. VFW DBA Rushmore Post 1273, 420 Main Street for a Retail (on-sale) Liquor License

2019 Retail (on-off sale) Wine and Cider License Renewal

9. Dadah Kids Corp. DBA Pauly’s Saint Patrick Street, 1624 E St. Patrick Street Suite 101 for a Retail (on-off sale) Wine and Cider License

2019 Package (off-sale) Liquor License Renewal

10. Hartmann Enterprises LLC DBA Time Square Liquor, 13 New York Street for a Package (off-sale) Liquor License

Public Works Committee Consent Items

11. PW103018-01 – Confirm the appointment of Jim Jackson to the Historic Sign Review Committee.
12. PW103018-02 - Confirm the reappointment of Shon Hanczyc and new appointments of Michael Calabrese and Samantha Linhart to the Parks and Recreation Advisory Board
13. PW103018-03 - Approve Change Order 2 to Mainline Contracting, Inc. for 38th Street Reconstruction, Clifton to Range Project, Project #15-2232/CIP 50716.1 &.2 for an increase of \$3,953.60.
14. PW103018-04 - Approve Change Order 1 to Dakota Barricade, LLC. for 2018 Lane Line Painting Project, Project #17-2374/CIP 50594 for an increase of 7 days on the completion of project. No cost change order.

15. PW103018-05 - Approve Change Order 1F to Tru-Form Construction, Inc. for ADA Compliance Project, Project #15-2311/CIP 50761 for a decrease of \$1,237.00.
16. PW103018-06 - Approve Change Order 1F to Highmark Construction, Inc. for East Rapid city Water System Expansion Mesa View Estates Subdivision, Radar Hill Road and Morris Lane Water Extensions Project, Project #14-2198/CIP 50964.F for a decrease of \$50,843.80
17. PW103018-07 - Approve Change Order 1F to Lind-Exco, Inc. for East Rapid City Water System Expansion Anderson Road Water Main Extension Project, Project #14-2194/CIP 50964.B for a decrease of \$27,201.18.
18. PW103018-08 - Approve Change Order 1F to Hills Materials Company for Anamosa Street Reconstruction Midway Street to Milwaukee Street Project, Project #07-1473/CIP 50559 for a decrease of \$86,936.23.
19. PW103018-09 - Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and Ferber Engineering, Inc. for Maple Avenue and Nebraska Street Sanitary Sewer Project No. 18-2337.1, CIP No. 50975.1 in the amount of \$52,460.00.
20. PW103018-10 - Authorize Mayor and Finance Officer to Sign An Agreement Between the City Of Rapid City and BALLISTA, LLC for Construction of Public Improvements within the Beckman Drive Right-of-Way.
21. PW103018-11 - Approve Acceptance of Infrastructure for Magellan – Rapid City Canopy Fire Hydrant Extension- DEV16-1330
22. PW103018-12 - Renew Street Light Maintenance Contract with Lighting Maintenance Co. (a division of Solar Sound Corp.) for 2019.
23. PW103018-13 - Approve extending contract bid to Mainline Contracting for Operated Equipment Rental for Street Snow Removal contract for the 2018-2019 snow season.
24. PW103018-14 – Approve extending contract bid to Simon (a.k.a. Hills Materials) for Operated Equipment Rental for Street Snow Removal contract for the 2018-2019 snow season.
25. PW103018-15 - Approve extending contract bid to Tru-Form Construction, Inc. for Operated Equipment Rental for Street Snow Removal contract for the 2018-2019 snow season.
26. PW103018-16 - Approve Change Order No. 1 to Simon Contractors of SD, Inc. for Cemetery Improvements Project No. PR18-2409, for a decrease of \$14,206.74.
27. PW103018-18 – Authorize Purchase Authority for New Wheeled Loader from Source Well Agreement. Purchase price \$136,000.00. Loader to be used by Storm Drainage, Waste Water and Utility Maintenance.

Legal & Finance Committee Consent Items

32. LF103118-09 – Authorize Staff to Apply and Accept, if Awarded, the Assistance to Firefighter Grant
33. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Ginny Merrill (RSVP+), Annette Brant (RSVP+), Cora Fried (RSVP+), Jerri Harn (RSVP+), Dawn Keegan (RSVP+), Janet Saylor (RSVP+), Calli Winkelman (RSVP+), Debra Renken (RSVP+), Ciara Breen (RSVP+), Vicky Hix (RSVP+), Timothy Kaiser (Police Department)
34. LF103118-01 – Approve Resolution No. 2018-061 a Resolution to Update Change Funds

RESOLUTION 2018-061
A RESOLUTION TO UPDATE CHANGE FUNDS

WHEREAS, the City Council previously adopted Resolution 2014-003 Establishing and Re-Establishing Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2014-096 A Resolution to Update Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-013 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-075 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2016-017 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2017-040 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2017-053 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2018-012 A Resolution to Update Change Funds; and

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the following decreases to the existing change funds are necessary since the City has city issued credit cards available for travel purchases and the use of the cashier’s office petty cash fund has diminished:

Police	Administration Travel Fund	decrease to \$0.00
Civic Center	Travel Fund	decrease to \$0.00
Civic Center	Petty Cash	increase to \$1,500.00
Finance	Petty Cash	decrease to \$500.00

NOW, THEREFORE, BE IT RESOLVED, that the Police Administration Travel Fund is decreased by \$2,000.00, the Civic Center Travel Fund is decreased by \$1,000.00, the Civic Center Petty Cash fund is increased by \$500.00, and the Finance Petty Cash is decreased by \$1,000.00.

Dated this 5th day of November, 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 35. LF103118-02 – Acknowledge August 2018 Sales Tax Report
- 36. LF103118-11 – Acknowledge September 2018 General Fund Cash Balance Report
- 37. LF103118-15 – Authorize Mayor and Finance Officer to Sign the Standard Form Agreement Between Owner and Construction Manager as Constructor (AIA Doc. A133-2009) and General Conditions of the Construction Contract (AIA Doc. A201-2007) with M.A. Mortenson Company for the Rushmore Plaza Civic Center Arena Project
- 38. LF103118-16 – Authorize Mayor and Finance Officer to Sign First Amendment to the Consulting Agreement with Tegra Group, Inc. to Act as the Owner’s Representative for the Rushmore Plaza Civic Center Arena Project

Community Development Consent Items (NONE)

39. LF103118-03 – Authorize Mayor and Finance Officer to Sign Funding Approval/Agreement for FY2018 Community Development Block Grant (CDBG) Funding
40. LF103118-04 – Authorize Mayor and Finance Officer to Sign FY2018 Community Development Block Grant (CDBG) Contract with Behavior Management Systems, Inc. (BMS)
41. LF103118-05 – Authorize Mayor and Finance Officer to Sign FY2018 Community Development Block Grant (CDBG) Contract and Indenture of Restrictive Covenants for Black Hills Works
42. LF103118-06 – Authorize Mayor and Finance Officer to Sign FY2018 Community Development Block Grant (CDBG) Contract and Indenture of Restrictive Covenants for Community Health Center of the Black Hills (CHCBH)
43. LF103118-07 – Authorize Mayor and Finance Officer to Sign FY2018 Community Development Block Grant (CDBG) Contract with Pennington County Health & Human Services (PCHHS)
44. LF103118-08 – Authorize Mayor and Finance Officer to Sign FY2018 Community Development Block Grant (CDBG) Contract and Indenture of Restrictive Covenants with Feeding South Dakota
45. LF103118-13 – Authorize Mayor and Finance Officer to Sign FY2019 Performance Contract between the City of Rapid City and Black Hills Council of Local Governments (BHCOLG).
46. LF103118-14 – Authorize Mayor and Finance Officer to Sign FY2017 Community Development Block Grant (CDBG) Contract with Freeland Ranch Community, Inc. (Hagg Development)
47. 18TP033 – Approve the 2019 Unified Planning Work Program – Final Report
48. 18TP034 – Approve Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Transportation Planning Process in the Amount of \$972,117.00
49. No. 18CA003 – Approve Resolution 2018-077 A request by KTM Design Solutions, Inc. for Hagg-Gomez LLC for a Comprehensive Plan Amendment to Amend the Future Land Use Plan from Low Density Neighborhood to Urban Neighborhood for property generally described as being located north of the intersection of Seger Drive and Mall Drive.

2018 - 077

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 5th day of November, 2018, at which the Council considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would change the land use designation from Low Density Neighborhood to Urban Neighborhood for a portion of the SW1/4SW1/4, Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeast corner of Lot 2 of Prairie Hills Subdivision, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, also the point of beginning; Thence first course: N00°00'52"E, a distance of 321.78 feet; Thence second course: S41°37'12"E, a distance of 173.45 feet; Thence third course: S41°37'12"E, a distance of 262.28 feet; Thence fourth course: N89°52'42"W, a distance of 272.98 feet; Thence fifth course: N78°26'33"W, a distance of 16.85 feet, to the point of beginning, more generally described as being located north of the intersection of Seger Drive and Mall Drive; and

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the Amendment to the Comprehensive Plan to change the land use designation Low Density Neighborhood to Urban Neighborhood for a portion of the SW1/4SW1/4, Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: commencing at the southeast corner of Lot 2 of Prairie Hills Subdivision, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, also the point of beginning; Thence first course: N00°00'52"E, a distance of 321.78 feet; Thence second course: S41°37'12"E, a distance of 173.45 feet; Thence third course: S41°37'12"E, a distance of 262.28 feet; Thence fourth course: N89°52'42"W, a distance of 272.98 feet; Thence fifth course: N78°26'33"W, a distance of 16.85 feet, to the point of beginning, more generally described as being located north of the intersection of Seger Drive and Mall Drive, as attached hereto, and incorporated herein, is hereby adopted and shall be filed with the City Finance Office.

Dated this 5th day of November, 2018.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

Bid Award Consent Items

50. CC101518-02.4(B) – Award Total Bid in the amount of \$119,868.00 for two 8000 pound triple stage forklifts to second lowest bidder Lift Pro Equipment Company, Inc. due to low bidder failing to meet equipment specifications. (This item was continued from the October 15, 2018 City Council Meeting.)
51. CC101518-02.5(B) – Reject sole bid for Lift Pump Vertical Turbine for Water Reclamation. There was an exception in the bid. Rebid at a later date. (This item was continued from the October 15, 2018 City Council Meeting.)
52. CC101518-02.8(B) – Approve award of Parking Lot Number 4 to JMD Excavating in the amount of \$391.00 per snow event (2-6" snow) and \$594.00 per snow event (over 6" snow). *This was previously awarded to Marathon Resource Management Group.*
53. CC101518-02.9(B) – Approve award of Parking Lot Number 5 to JMD Excavating in the amount of \$598.00 per snow event (2-6" snow) and \$898.00 per snow event (over 6" snow). *This was previously awarded to Marathon Resource Management Group.*
54. CC110518-02.1 – Approve award of total bid for Willow Ave, Ivy Ave, Fairlane Dr. Street and Utility Reconstruction, Project No. 15-2254 / CIP No. 50421.3-1C opened on October 30, 2018 to the lowest responsible bidder R.C.S. Construction, Inc., in the amount of \$2,515,428.34.
55. CC110518-02.2 – Approve award of total bid for Pavement Rehabilitation Project - Maple Avenue Area, Project No. 18-2438 / CIP No. 50844 opened on October 30, 2018 to the lowest responsible bidder, Western Construction, Inc. in the amount of \$492,079.14.

END OF CONSENT ITEMS

Mayor read in item (PW103018-19) Approve Request from Genesis Capital LLC for a Variance to Waive the Requirement to Install Sidewalk along Seger Drive, Rapid City, per City Ordinance 12.08.060. Nordstrom said he would be voting against this item. He wants sidewalks here because there is pedestrian traffic. Modrick said there are not many sidewalks in the area and none connecting at this time. Motion was made by Salamun, second by Lewis to approve the variance. Motion carried 9-1 with Nordstrom voting no.

Mayor read in item (PW103018-20) Approve Appeal by Sperlich Consulting, Inc. on behalf of SODAK Development to approve an Exception Request to waive the requirement to install public improvements

in Reservoir Road. Nordstrom said he streamed the Public Works meeting. He said there are not enough houses out there for sidewalks. If there were more houses the expense could be divided between owners. He would like to look at taking a percentage of the development getting the improvement and having those owners assessed that amount. He said other jurisdictions close by benefit from the road being improved. He would like a discussion on an amount that could be assessed to the area. He will vote no because the improvement is needed. Scott said this item was part of a lengthy discussion at Public Works. In response to a question from Scott, Landeen said they found a statute that would prevent the city from assessing in the county. This highlights a need for a policy to negotiate for an agreement. This is a problem that needs to be addressed. Scott said we currently don't have a policy and don't have a clear path to go. They have to ask themselves what's in the best interest of the city. She is leaning toward waiving the requirement so the development can move forward. Lewis asked Kale McNaboe if he wanted to speak. He stated he was the engineer on the project. He understands where Nordstrom is coming from with the idea of spreading it over a larger number of lots. He said there are about 25 lots left and if the cost of the improvement is split between the 25 lots, it will add about \$18,000 more per lot. Motion was made by Modrick, second by Salamun to approve the appeal. Drury asked Young if land is half in the city and half in the county, if there was any mechanism for developer to put up a bond. Young deferred to Tech. He said public improvements apply to the 3-mile platting jurisdiction. Tech said every state struggles with this issue. Possible solutions would be to bond, have future assessments, impact fees, or have special taxing districts for these improvements. For South Dakota to come up with something, it will take more than this board. He said the State would probably need to get involved. Drury thinks the developer should pay for it. Motion passed 8-2 with Nordstrom and Drury voting no. Mayor stated we are at a turning point. He has seen the exact issues over and over. He and staff have been noticing a pattern of concern for doing things right. He has been talking to the Public Works Director and they are in the process of putting together a master development plan. This will only be as good as the support behind it. It is going to involve structure and saying no to people. It will lay out the best protection for all of the taxpayers. We are trying to avoid making the developer pay the entire cost but also protect all of the taxpayers from paying for someone else's road.

Mayor read in item (PW103018-21) Approve Appeal by KTM Design Solutions for an Exception Request to allow a reduced pavement width for Dyess Avenue (a minor arterial) and waive the requirement to install curb, gutter and street light conduit. Nordstrom said he's not against development. He would like there to be a policy in place instead of the improvements being paid for by CIP or having another deferred developer project. Motion was made by Modrick, second by Roberts to approve the appeal. Modrick said this is another area where there is no continuity. There is large ditch drainage that doesn't need to be disturbed. She believes this area is an exception to the rules. Drew said they talked about natural ditching at Public Works and the city doesn't have to cement over every area of green. We should be using natural ditching in some areas. In response to a question from Scott, Tech said Dyess Road goes nearly to Country Road. Scott asked if the road was wearing down from the industrial traffic. Tech said Dyess Road was an old gravel road at one time. It was eventually paved but pavement widths are narrow widths. Due to the industrial traffic it increases the wear and tear that occurs. Tech said the county gave us Dyess Road so the road itself belongs to the city. Scott said one side of Dyess is in the city and the other side is in the county, so even if they assessed the property, the one portion is in the county and not in the city's jurisdiction. Scott said she would support the appeal. She also said she would like to get an assessment mechanism in place for situations where property is in both the city and the county. Roberts said he would support the appeal. He's hoping they can close the loop hole by the Croell's property. He believes three properties out there had the requirements for the road bypassed or waived. He said it's going to be difficult to make just one person pay for any improvements to that road because both the city and the county abut to it. Lewis supports the exception. He wants to be part of the process to represent the people, and not just go by staff's recommendation. Laurenti asked Tech if the city has tracked all of these waivers. And if not, he asked if they can be tracked, and ordered in before there is a massive improvement that needs to be made. Tech said the number of exceptions is as great as the number of stars in the sky. They haven't been tracked. He said different states are doing different things. TIF's have been used as a mechanism to build roads and other improvements. Have we ever

joint accessed properties with the county. Tech said he's never been involved in a joint agreement. Salamun said he will support this and it's an issue of fairness. For several months the council has talked about working with the development community, staff and council members, about these improvements. It is not fair to put burden on one party. Drury said they are stuck with hard decisions to make. They need to proceed with caution and do things the right way. Drew said it's not fair to stick the developer with all of the improvements. All of the roads are connected and are all part of our city responsibility. Motion approved 8-2 with Nordstrom and Drury voting no.

Mayor read in item (PW103018-22) Acknowledge information regarding petition from the West Dakota Water Development District to the South Dakota Water Management Board requesting a Declaratory Ruling concerning the City of Rapid City's Septic System Ordinance and the City of Rapid City's Petition in Opposition. Motion was made by Scott, second by Drury to acknowledge. Scott said they are being updated on the situation and acknowledging the presentation tonight. Scott asked Tech the current status. Tech said Mueller identified a petition was sent to the state water management board and named the City of Rapid City as the respondent to that. In response to a question from Scott, Landeen said the water management board is not the appropriate avenue to challenge the legality of it. There are regulations in the administrative rules of South Dakota that regulate septic systems and there is an exception in that chapter to those regulations. The exception that Mr. Farabee keeps talking about applies to those regulations in the administrative rules of South Dakota. There is nothing in that chapter that prevents the city or the county from also regulating septic systems. Those are the basic rules for everyone in the state whether you live within the city or county. There are some cities that are not going to have rules on septic systems. It's not unusual for a city to have more regulation than if you live in the county. And there is likely more regulation in a larger county than a smaller county. The city has said they have more authority separately to adopt septic ordinances and while some would like people to believe that this question has not been properly addressed but Mr. Farabee has already raised all of these issues during his criminal case. A judge who understands statutory construction has already looked at all of this. The water conservation board is all a volunteer board not made up of lawyers whose expertise is not statutory construction. The proper avenue to challenge this is to file a declaratory judgement action. But, this has already been addressed by the courts in the criminal case. They aren't asking the administrative board to interpret their rule, they are asking them to interpret it in a way that would in least in part negate a city and a county ordinance which we believe they do not have the authority to do. Scott said city council is just receiving an update on what has happened on this case and they are acknowledging the information. Nordstrom said he was at the meeting where the West Dakota Water Development District put this motion through. There were three opposed and six in favor. He was dismayed about a county commissioner talking about the city staff. There was a lot of language that was inappropriate during that meeting. He didn't think it was fairly put in control. From Nordstrom's perspective, septic tanks that are older than 1975 should be inspected because the deterioration or the condition of those septic tanks is unknown. When it comes to septic tanks being close to the city, it has a high potential of reaching into the city and contaminating areas within the city. He felt the hiring of the attorney was out of bounds from the district's authority but they have the right to do that. Roberts asked Mueller if he had additional comments. Mueller said when the petition was received by the SDDENR management board they had a line in there that stated that the district will need to be represented by legal counsel. Mueller said it's a citizen's right to get an answer from government. Roberts said the council is not voting on anything tonight so to vote no would not make sense. Landeen said generally administrative actions through the Attorney's office don't come to council. In response to a question from Roberts, Landeen said sometimes the city can be stricter on certain regulations and sometimes they can't. Sometimes the state pre-empts our regulation in the area but we do not believe that the state is preempted our regulation in the area of septic ordinances. Mueller said the city should vote in opposition of this petition as the county commission did. In response to a question from Laurenti, Landeen said council could change the ordinance and provide an exception to exempt certain septic systems from the regulation. Landeen said what has bothered him is the talk about the one-mile jurisdiction and the fact the city is asserting its jurisdiction over a county resident. The county intentionally adopted the exact same ordinance as the city and it was understood that the city would enforce within the one-mile

because we have more staff and we could handle it along with the city regulations and the county would do the regulation outside of the one-mile. If we made an exception, we would probably want the county to adopt the same exception. In response to a question from Roberts, Landeen said the board may decide they don't have jurisdiction to decide the question. Roberts said there is going to be a ruling from the board so it doesn't matter if council votes for it or against it. Roberts asked what Mueller wanted from council. Salamun gave his time to Roberts to ask the Mueller's for feedback. Julie Frye-Mueller spoke. She said she represents District 30 and this negatively affects them. She said West Dakota Water Development District sent council a courtesy copy letting them know that they were asking for a declaratory ruling. She said when you pass an ordinance it's in effect from the day you pass it going forward. She said a new law was passed in 2010 and septic rules should be governed by that year going forward. Mayor said the council is not litigating this topic he asked them to vote on the acknowledgment. Motion passed to acknowledge.

NON-CONSENT ITEMS – Items 56 - 72

Marlena Habben spoke on behalf of her father Tom Habben on Item 60 (LF103118-10). She said he didn't receive the initial letter and the city cleaned up the property anyway and are charging him \$682. She said the city gave him two weeks and ended up taking very little out of the yard. He lives on a fixed income and can't pay the bill. She said he can't be charged for a police officer being there or for gas. And if he would have taken the garbage to the dump, he would have only paid \$20 so how can the city charge him so much. He could pay \$20 at the dump. And the city only gave him 14 days to pay the bill before the \$100 was charged and he got the letter on the ninth day. He couldn't afford the first charge let alone another \$100. Tom Habben said the city shouldn't have come on the property and started carrying things off until he got a certified letter. He said he didn't get any letter. The city was already loading things when they knocked on his door. They wanted to work with him and said he'd give him two more weeks. His son had to move and moved things out of his garage. The neighbors were complaining of too much junk. He told code enforcement he would move it. They gave him a couple more weeks to clean up, and he did. He would like to see itemization of \$540 bill. He said they paid three people \$540 to haul off garbage and doesn't think that's right.

Ordinances

Ordinance 6280 (No. 18RZ024) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from No Use District to Medium Density Residential District for property generally described as being located north of Seger Drive, east of 143rd Avenue, west of Dyess Avenue. Motion was made by Drew, second by Nordstrom and carried that Ordinance 6280 be placed upon its first reading and the title be fully and distinctly read and second reading set for Monday, November 19, 2018.

Ordinance 6286 (No. 18RZ026) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Hagg-Gomez LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located north of the intersection of Seger Drive and Mall Drive. Motion was made by Nordstrom, second by Drury and carried that Ordinance 6286 be placed upon its first reading and the title be fully and distinctly read and second reading set for Monday, November 19, 2018.

Ordinance 6289 (LF103118-12) An Ordinance Regarding Supplemental Appropriation #7 for 2018. Motion was made by Nordstrom, second by Drew and carried that Ordinance 6289 be placed upon its first reading and the title be fully and distinctly read and second reading set for Monday, November 19 2018.

Public Works Committee Items

Drew read in item (PW103018-17) Approve Lease Agreement between the City of Rapid City and Black Hills Soccer Federation, Inc. Motion was made by Lewis, second by Modrick to approve. Scott said she voted no at Public Works so this item wouldn't be placed on the consent items. She said that the leased

property is still the city property and can be used. The lessor has first priority. Some properties are gated in order to protect the property. Motion carried.

Legal & Finance Committee Items

Armstrong read in item (LF103118-10) Approve Resolution No. 2018-078 a Resolution Levying Assessment for Abatement of Nuisances. Motion was made by Lewis, second by Drury to approve with the exception of items 17 and 28 on the property owner list. Salamun asked Young how long in advance are we notifying residents before the city takes action and are they given enough time to correct the problem. Young said all of the abatements that the code enforcement officers work on are giving a minimum of two weeks and sometimes 30 days. They do send out notices but they can't verify that they are received by the home owner. There are times when certified mail is used but it's not used on everything since it is expensive. If code enforcement doesn't hear from the owner within the specified time, then the abatement is ordered. Salamun asked how the city determines the rate that is going to be charged to the owner. He asked if we are getting the best deal for our money. Young said the contract can be reviewed but the rate depends on the amount of time it takes and labor involved with the specific abatement. There is a flat fee of \$42 for the administrative fee and there is a finance charge if it's not taken care of within a certain time. Roberts said he has to abstain from item 17. He would like to speak from the podium since he is the property owner. Modrick thinks the two week to 30 day is a gray area. She asked if the follow up is at the door. Young said not always. Modrick asked if pictures are always taken and Young said yes. Modrick asked if there is an appeal process and the Mayor said this is the appeal process. Modrick questioned if the city was charging too much for the abatement services. Landeen said these services are bid out. We don't get a lot of people interested in doing these. There is not incentive for the city to do this as cheaply as possible because if it's cheaper to have the city maintain your property for you then for you to do it yourself the owner won't take care of it. We can't make this completely painless so the next time the owner tells themselves they need to take care of it so they don't have to pay extra money. He confirmed the rate is not set to gauge people. We bid this out and the rate that we get is the rate we have to pay. We don't keep this money it goes to the company that cleans up the property. There is a small administrative fee of \$42. Modrick asked if we write off abatements that aren't paid. Davis said abatements are assessed against the property so they are not written off. Nordstrom said he wants to see history of past abatements. Young didn't feel like he had all of the information that council was looking for and if they wanted to continue the item they could. Nordstrom doesn't want the city in the property management business. Motion carried with Roberts abstaining. Scott asked Roberts if he wanted to speak from the podium. He said yes. Roberts said he is asking to waive the \$100 fine. He thinks a person should get the opportunity to speak on the violation before they get fined on it. He told his property manager to hold off on the \$100 until he got to speak at council on this. He didn't realize he only had three weeks to pay from the time he was billed until the late fee kicked in. He said the property manager sent the check three days late and the finance office returned it. He got a bid from the same company that abated the property and they will mow the lawn for \$40 per event. When this happened their renter was gone and they did get the notice and when they sent it to the property manager he was on vacation. If you look at all of their properties this was the first time this has happened. He wanted to speak to council about doing an RFP on this. All of the companies he contacted said they never had the opportunity to bid on abatement. He doesn't know if it's true but he's never seen the contracts. We are doing a disservice to the community if we are charging four times the rate of the average rate. In response to a question from Scott, Roberts said they mailed the payment late and the city returned it to him for not including the \$100. He doesn't have a problem paying the \$202 but would like council to waive the \$100. Modrick asked if that was good business practice to not accept the original amount and return the money for not including the late fee. She said it makes more sense to accept the original payment and bill for the late fee. Roberts said business owners normally give people 30 to 60 days to pay a bill. Modrick asked Davis why we return partial payments. When the invoice goes out, it has the dollar amount and when it's due. If it's not paid by the due date then the additional \$100 is charged. We expect it to be paid in full because we are incurring additional costs related to assessing a property which can be publications, certified letters and different notices. Modrick asked if the lower amount can be put toward their bill and at least receive some payment for it. Davis said the assessment

process is different than a water bill. She said that council can only waive the \$100, Finance can't do that. Modrick asked if we can cash a check even if it's not for the full amount. Davis said they could possibly hold the check until there was resolution on the \$100. Modrick said it doesn't make sense that we would turn funds away from any of our citizens when they have a debt. We should be putting that paid amount on their account or their property and deposit it because it's showing good faith and they want to resolve their issue. She does not think we should be returning checks. Nordstrom asked Roberts if he has documentation. Roberts said no. He said he's asking to waive \$100 and if the council doesn't do it, then it's fine. Roberts said he remembers getting the documentation and Nordstrom said if the city messed up then he's ok waiving the fee. But if he doesn't have paperwork then there's nothing to verify. Roberts said he could get an attorney and have him ask the same thing. The only reason he's asking for \$100 is because he believes he has the right to speak on the issue before he's charged \$100. Roberts said he was going to pay it and that's why he sent a check. Nordstrom believes the process should be explained better and if we aren't doing that then the process needs to be looked at. Mayor asked Roberts if he would apply the same logic to someone with a late water bill. That they should get to talk to the council before they get assessed a late fee. Roberts said it depends. He said he's been on council a long time and never thought about the city is charging the citizens. He thinks we are being excessive on the citizens. He isn't opposed to paying his bill but it is unfair to be assessed on your property and not have the ability to speak to the council before being assessed a \$100 late payment. Laurenti said we generally approve the list and the council can't put the process on trial every time they have someone come in and complain. They all know the process and you don't have to be on the council very long to understand the process. The letter gets sent to the property address and the owner is told the amount of time they have to clean up the property. We can't control whether the people read the letter or not. Code enforcement will even give extra time if they are contacted. We keep putting the process on trial and we need to stop it. We can't do that whenever someone complains. The process has been in place for years. If you think something should be done about the process the put it on an agenda to be discussed. Motion was made by Scott, second by Drury to approve the abatement on item 17. Scott agrees they need to stick to the process and if the process needs to be changed it can be looked at another time. Motion carried 9-0 with Roberts abstaining. Laurenti and Roberts left the meeting at 8:01 p.m. Motion was made by Scott, second by Armstrong to continue item 28 to the next legal and finance meeting on November 14. Scott said she would like more information from code enforcement at the next legal and finance meeting. Motion carried 8-0 with Laurenti and Roberts absent.

RESOLUTION NO. 2018-078
RESOLUTION LEVYING ASSESSMENTS FOR
ABATEMENT OF NUISANCES

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 condition of your property had constituted a nuisance. The City abated this nuisance. The cost of the abatement, including administrative costs, is the amount stated in the proposed Assessment Roll for Abatement of Nuisances.
2. The Assessment Roll for Abatement of Nuisances 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 certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer's Office with the statutory interest rate.

Dated this 5th day of November, 2018.

CITY OF RAPID CITY

s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

Laurenti and Roberts returned to the meeting at 8:05 p.m.

Community Development Item

Drew read in item (No. 18PL092) A request by Ferber Engineering Company for Horst Properties, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 6 and Drainage Lot of Horst Subdivision, generally described as being located east of Rand Road, south of Commerce Drive. Motion was made by Drew, second by Nordstrom and carried to approve with the following stipulations: 1. 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 and the Rapid City Municipal Code. The water plan and analysis shall demonstrate that water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. 2. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for the extension of a sewer main in Rand Road to provide service to proposed Lots 3 and 4; 3. Upon submittal of a Development Engineering Plan application, a structural site plan shall be submitted for review and approval demonstrating that the existing structure located on proposed Lot 2 meets the setback requirements to the new lot lines. In addition, a parking plan shall be submitted for review and approval demonstrating that sufficient parking for the existing use is being provided on the proposed lot or the lot lines shall be adjusted accordingly; 4. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 6. 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, 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Drew read in item (No. 18PL093) A request by KTM Design Solutions, Inc. for Boomshockalocka LLC for a Preliminary Subdivision for proposed Lots 1 thru 7 of Block 1 and Lots 1 thru 6 of Block 2 of Dyess Subdivision, generally described as being located east of Dyess Avenue, north of Seger Drive. Motion was made by Drew, second by Modrick and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan, the construction drawings shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval showing the dedication of 50-feet of right-of-way located east of the center line of the section line highway and the construction of a minimum 36-foot wide paved surface, curb, gutter, and street light conduit or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Dyess Avenue or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Boom Boulevard shall be submitted for review showing the street located within a minimum 60-foot wide right-of-way with 10 additional feet the first 200-feet as it extends east from Dyess Avenue and constructed with a minimum 26-foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Boom Boulevard or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with

the Development Engineering Plan application; 4. 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 and the Rapid City Municipal Code. The water plan and analysis shall demonstrate that water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed; 5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, a master sanitary sewer plan shall be submitted for review and approval demonstrating the ability to gravity sewer the eastern portion of the property to either the Elk Vale Lift Station or an existing sewer main. Utility easements shall also be secured as needed; 6. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public improvements shall be submitted for review and approval. In addition, geotechnical analysis shall be submitted for pavement design or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided; 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 8. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality. In addition, drainage easements shall be secured as needed; 9. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer; 10. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 12. Upon submittal of a Final Plat application, the plat document shall identify and label the WBI gas pipeline easement that extends through the property; 12. 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, 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Drew read in item (No. 18PL094) A request by KTM Design Solutions, Inc for Hagg-Gomez LLC for a Preliminary Subdivision Plan for proposed Lot 1 of Block 1 of Freeland #2 Subdivision, generally described as being located north of the intersection of Seger Drive and Mall Drive. Motion was made by Drew, second by Modrick and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Seger Drive shall be submitted for showing dedication of 2 additional feet of right-of-way and the construction of street light conduit and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Seger Drive or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, access to the proposed lot shall be identified and a shared access easement shall be secured if needed from the adjacent property owner; 3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. The

water plan and analysis shall demonstrate that water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed; 4. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, a master sewer plan shall be submitted for review and approval clarifying sewer service to the property north and west of the proposed lot. Utility easements shall also be secured as needed; 5. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Box Elder Drainage Basin Plan shall be submitted for review and approval. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality and the impact of the development on the Box Elder Drainage Basin. The drainage plan shall address on-site detention versus regional pond drainage. In addition, drainage easements shall be secured as needed; 7. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer; 8. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 10. Upon submittal of a Final Plat application, the location of the existing power lines in the southern area of the property shall be identified and a utility easement dedicated as needed on the plat document; 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Drew read in item (No. 18PL095) A request by Fisk Land Surveying & Consulting Engineers, Inc. for Saxe Development LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 14 of Chalkstone Subdivision, generally described as being located at the northern terminus of Chalkstone Drive. Motion was made by Drew, second by Drury and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan, the construction drawings shall be revised to address redline comments or an Exception to the Infrastructure Design Criteria Manual and/or the Standard Specifications shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the revised construction plans. The plat document shall also be revised to address redline comments; 2. Upon submittal of a Development Engineering Plan application, construction plans for Haines Avenue shall be submitted for review and approval showing the street constructed with a minimum 36-foot wide paved surface, curb, gutter, street light conduit and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Haines Avenue or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Chalkstone Court shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 104-foot diameter right-of-way and constructed with a minimum 84-foot diameter paved surface or an

Exception shall be obtained. The construction plans shall also show the construction of a sidewalk along Chalkstone Court or a Variance from the City Council shall be obtained. If an Exception and/or Variance is obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Coal Bank Court shall be submitted for review and approval verifying the location of a manhole at the northern terminus of the street or showing the construction of a manhole at this location; 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 and the Rapid City Municipal Code. The water plan and analysis shall demonstrate that water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed; 6. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, utility easements shall also be secured as needed; 7. Upon submittal of a Development Engineering Plan application, geotechnical analysis signed and stamped by a Professional Engineer for public improvements shall be submitted for review and approval. In addition, geotechnical analysis shall be submitted for pavement design or the minimum required pavement section as per the Infrastructure Design Criteria Manual shall be provided; 8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 9. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual shall be submitted for review and approval. The drainage plan shall demonstrate that stormwater is being detained to pre-developed/historic rates and provides stormwater quality. In addition, drainage easements shall be secured as needed; 10. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. 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. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. All final engineering reports shall be signed and sealed by a Professional Engineer; 11. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 12. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 13. Upon submittal of a Final Plat application, the plat document shall be revised labeling the 20 foot wide drainage easement located along the common lot line of proposed Lots 12 and 13; 14. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of 1.5 additional feet of right-of-way along Coal Bank Court; 15. 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, 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Drew read in item (No. 18PL096) A request by D. C. Scott Surveyors, Inc for Carlos Colon for a Preliminary Subdivision Plan for proposed Lot 12A and Lot 12B of Pleasant Valley Subdivision, generally described as being located east of Crane Drive, north of Long View Road. Motion was made by Drew, second by Nordstrom and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan, the plat document shall be revised to address reline comments; 2. Upon submittal of a Development Engineering Plan application, soils data for the proposed lots shall be submitted for review and approval demonstrating that the soils are suitable for on-site wastewater systems; 3. Upon submittal of a Final Plat application, the plat document shall be revised to include the following statement: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs,

assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations.”; and, 4. Upon submittal of a Final Plat application, the plat document shall continue to show the dedication of one additional foot of right-of-way along Crane Drive.

Motion by Drew, second by Modrick and carried to acknowledge (18TI004) TIF Policy Overview Presentation 2018.

Alcoholic Beverage License Applications Renewals for 2019

67. 2019 Retail (on-sale) Liquor License Renewals

License #	Owner/Master Name	DBA	Address
RL-5734	HEINSEL INVESTMENTS LLC	COMFORT SUITES	1333 N ELK VALE RD
RL-5810	RUSHMORE CUISINE INC	RUBY TUESDAY	821 FAIRMONT BLVD
RL-5877	ERJ DINING IV LLCC	CHILI'S GRILL & BAR	2125 N HAINES AVE
RL-5878	DC DEVELOPMENT LLC	THE TINDER BOX	520 7TH ST
RL-5883	RED LOBSTER HOSPITALITY	RED LOBSTER #460	120 DISK DR
RL-5920	GMRI INC	THE OLIVE GARDEN #1664	160 DISK DR
RL-6122	MOYLE PETROLEUM	INFERNO FOOD BY FIRE - HWY 44	3503 E HWY 44
RL-6327	BDUBS LLC	BUFFALO WILD WINGS	715 MOUNTAIN VIEW RD

68. 2019 Retail (On Sale) Liquor License Renewals WITH Video Lottery

License #	Owner/Master Name	DBA	Address
RL-5318	FRESCH INC	JOES PLACE	4302 PENDLETON DR
RL-5327	WESTERN DAKOTA GAMING INC	VALLEY SPORTS BAR	1865 S VALLEY DRIVE
RL-5858	SHOOTERS INC	SHOOTERS	2424 W MAIN ST
RL-5861	OASIS LOUNGE INC	OASIS LOUNGE	711 MAIN ST
RL-5863	JACKSON BLVD HOSPITALITY LLC	DAYS INN & LOUNGE	725 JACKSON BOULEVARD
RL-5869	M G OIL COMPANY	CLOCK TOWER LOUNGE	2525 W MAIN ST
RL-5872	TADY LLC	TEDDYS SPORTS GRILL	826 MAIN ST
RL-5874	HUNGGRYS RESTAURANTS INC	MARLINS ROADHOUSE GRILL	2803 DEADWOOD AVE
RL-5888	RAPID CITY ELKS CLUB	ELKS LODGE #1187	3333 E 39TH ST
RL-5891	LOYAL ORDER OF MOOSE	LOYAL ORDER OF MOOSE	841 E ST PATRICK ST
RL-5892	AMERICAN LEGION	AMERICAN LEGION	818 E ST PATRICK ST
RL-6151	FRATERNAL ORDER OF EAGLES	RAPID CITY AERIE NO 3555	1410 CENTRE ST
RL-6329	M G OIL COMPANY	JOKERS CASINO SOUTH III	1320 MOUNT RUSHMORE RD STE B

69. 2019 Retail (On-Off Sale) Wine License Renewals

License #	Owner/Master Name	DBA	Address
RW-19399	INDEPENDENT ALE HOUSE LLC	INDEPENDENT ALE HOUSE	625 SAINT JOSEPH ST
RW-19769	PURE BLISS LLC	A PERFECT 10	1109 W OMAHA SUITE B
RW-19952	FUJI JAPANESE STEAK HOUSE INC	FUJI JAPANESE STEAK HOUSE INC	1731 EGLIN STREET
RW-20254	FUJI ASIAN RESTAURANT INC	FUJI ASIAN RESTAURANT	2200 N MAPLE AVE UNIT 478
RW-20381	PURE BLISS LLC	A PERFECT 10 NAIL & BEAUTY BAR	36 E. STUMER RD SUITE 118
RW-20606	KATHMANDU BISTRO LLC	KATHMANDU BISTRO	727 MAIN ST
RW-20816	PURE BLISS LLC	A PERFECT 10	1745 EGLIN ST STE 770
RW-21028	JYE GROUP INC	SUMO JAPANESE KITCHEN	214 E SAINT JOSEPH ST
RW-21310	PERFORMING ARTS CENTER OF RAPID CITY INC	PERFORMING ARTS CENTER OF RAPID CITY	601 COLUMBUS ST
RW-21467	BLACK HILLS WORKS FOUNDATION INC	SUZIE CAPPART CENTER	722 SAINT JOSEPH ST
RW-21589	CONTINENTAL LEISURE INC	CAROUSEL CASINO	2050 W MAIN ST # 2A
RW-21670	IMPRESSIVE NAILS INCORPORATED	IMPRESSIVE NAILS	1301 W OMAHA ST STE 105
RW-22933	MOYLE PETROLEUM COMPANY	ORCHARD MEADOWS COMMON CENTS	3501 E HWY 44
RW-22989	VITA SANA OLIVE OIL COMPANY LLC	VITA SANA OLIVE OIL COMPANY	627 SAINT JOSEPH ST
RW-23107	MOYLE PETROLEUM COMPANY	LACROSSE COMMON CENTS	1909 LA CROSSE ST
RW-23108	MOYLE PETROLEUM COMPANY	COMMON CENTS-RUSHMORE RD	2660 MT RUSHMORE RD
RW-23109	MOYLE PETROLEUM COMPANY	OMAHA ST COMMON CENTS	1129 E OMAHA ST
RW-23110	MOYLE PETROLEUM COMPANY	COMMON CENTS #107	4128 JACKSON BLVD
RW-23698	BLACK SHEEP GROUP, LLC	HARRIET CAFE	329 MAIN ST
RW-23944	LACOSTA LLC	LACOSTA MEXICAN RESTAURANT	603 OMAHA ST
RW-24992	DAKOTA POINT BREWING LLC	DAKOTA POINT BREWING	405 CANAL ST STE 1200
RW-25013	RAPID CITY EXTENDED STAY, INC.	STAYBRIDGE SUITES	1314 LUNA AVE
RW-25939	WV LLC	ZYMURCRACY BEER COMPANY	4624 CREEK DR., SUITE 6
RW-6458	S & Y INC	GOLDEN PHOENIX RESTAURANT	2421 W MAIN ST
RW-6479	WINE LAND INC	WINE CELLAR RESTAURANT	513 6TH ST
RW-6525	ROBERT W JOHNSON	CANYON LAKE PUB & CASINO	4116 JACKSON BLVD
RW-6691	FRANKIE'S LLC	THIRSTY'S	819 MAIN
RW-6726	WNRRC LLC	BUFFALO WINGS AND RINGS	5622 SHERIDAN LAKE ROAD #101
RW-7507	HANA CORP / ENI TULISTIYA	HANA	3550 STURGIS RD
RW-7540	RAPID CITY ARTS COUNCIL INC	DAHL ARTS CENTER	713 7TH ST

70. 2019 Inactive License Renewals

License #	Owner/Master Name	DBA	Address
PL-4781	NASH-FINCH COMPANY	FAMILY FARE #265	751 MOUNTAIN VIEW RD
PL-5004	NASH-FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST

71. 2019 Package (Off-sale) Liquor Renewals

License #	Owner/Master Name	DBA	Address
PL-19346	BIG D OIL CO	BIG D OIL CO #54	3851 EGLIN ST
PL-19804	HOLIDAY STATION STORES LLC	HOLIDAY #449	1846 EGLIN ST
PL-20176	SKYWAY ENTERPRISES INC	AMERICINN MOTEL	1632 RAPP ST
PL-20177	WISDOM INC	COUNTRY INN & SUITES BY CARLSON-RC	2321 N LACROSSE ST
PL-4407	BACH INVESTMENT INC	HIDEAWAY CASINO	1575 N LA CROSSE ST STE D
PL-4443	M G OIL COMPANY	CORNER PANTRY - LACROSSE	2130 LACROSSE ST
PL-4544	SMITH'S LIQUOR GALLERY INC	SMITH'S LIQUOR GALLERY	2218 JACKSON BLVD SUITE 1
PL-4646	THRIFTY SMOKE SHOP INC - KURT SCHIMMER	THRIFTY SMOKE SHOP	718 E ST PATRICK ST
PL-4656	THRIFTY SMOKE SHOP INC - KURT SCHIMMER	THRIFTY SMOKE SHOP III	1101 W OMAHA #3
PL-4704	NASH FINCH COMPANY	FAMILY FARE #265	751 MOUNTAIN VIEW RD
PL-4764	MOYLE PETROLEUM COMPANY	SHERIDAN LAKE COMMON CENTS	2808 SHERIDAN LAKE BLVD
PL-4765	NASH FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
PL-4769	MILLS DRUG INC	BOYDS LIQUOR MART	1424 MT RUSHMORE RD
PL-4771	MOYLE PETROLEUM COMPANY	NORTH STREET SMOKE SHOP	634 E NORTH ST
PL-4772	RETSEL INC	GRAND GATEWAY HOTEL/ CHEERS	1721 N LACROSSE ST
PL-4779	B & L INC	BOYDS LIQUOR MART WESTSIDE	655 MOUNTAIN VIEW RD
PL-4782	EAGLECAV LLC	SOOPER DOOPER LIQUOR	915 E SAINT PATRICK ST
PL-4785	B & L INC	BOYDS LIQUOR MART EASTSIDE	909 E SAINT PATRICK ST STE 1
PL-4830	STAPLE & SPICE MARKET INC	STAPLE & SPICE MARKET	601 MT RUSHMORE ROAD
PL-5077	LESTER HOSPITALITY-RAPID CITY, LLC	RUSHMORE PLAZA HOLIDAY INN	505 N 5TH ST

72. 2019 Convention Center (on-sale) Liquor Renewals

License #	Owner/Master Name	DBA	Address
CL-15400	RETSEL INC	GRAND GATEWAY HOTEL/ CHEERS	1721 N LACROSSE ST
CL-15406	LESTER HOSPITALITY-RAPID CITY, LLC	RUSHMORE PLAZA HOLIDAY INN	505 N 5TH ST

Motion was made by Scott, second by Drury and carried to approve Items 67-72.

Alcohol Licenses

73. DNJ, LLC, DBA Dickey's BBQ, 2200 N Maple Ave – Rushmore Mall for a Retail (on-off sale) Wine and Cider license and Retail (on-off sale) Malt Beverage & SD Farm Wine license

Motion was made by Laurenti, second by Drury and carried to approve Item 73.

END OF CONSENT PUBLIC HEARING CALENDAR

EXECUTIVE SESSION - To discuss the qualifications, competence, performance, character or fitness of a prospective employee pursuant to SDCL 1-25-2(1). Motion was made by Laurenti, second by Scott and carried to go into Executive Session at 8:37 p.m. Motion was made by Laurenti, second by Scott and carried to come out of Executive Session at 8:43 p.m. with all members present.

STAFF DIRECTION - Motion was made by Salamun, second by Laurenti and carried to authorize the Public Works Director to make an offer of employment for the position of Solid Waste Superintendent at Grade 24, Step 10 on the Non-Union Pay Matrix.

BILLS

The following bills have been audited:

BILL LIST - NOVEMBER 5, 2018

P/ROLL PERIOD END 10/13/18, PD 10/19/18

1,990,508.04

CDEV P/ROLL PERIOD END 10/13/18, PD 10/19/18	1,190.16
PIONEER BANK & TRUST, 10/13/18 P/ROLL TAXES, PD 10/19/18	490,274.09
CDEV PIONEER BANK & TRUST, 10/13/18 P/ROLL TAXES, PD 10/19/18	333.15
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEPT18 SALES TAX PAYABLE PD 10/18/18	38,573.98
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEPT18 EXCISE TAX PAYABLE PD 10/18/18	255.27
SOUTH DAKOTA DEPARTMENT OF REV SEPT18 CCTR SALES TAX PAYABLE PD 10/18/18	12,849.04
WELLMARK INC, HEALTH CLAIMS THROUGH 10/12/18, PD 10/18/18	287,936.96
WELLMARK INC, HEALTH CLAIMS THROUGH 10/19/18, PD 10/25/18	198,813.28
WELLMARK INC, HEALTH CLAIMS THROUGH 10/26/18, PD 11/01/18	133,305.83
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/15/18, PD 10/16/18	3,606.09
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/22/18, PD 10/23/18	2,528.87
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/29/18, PD 10/30/18	7,103.66
SD RETIREMENT SYSTEM-SPEC PAY PL-HOLZ, JARVINEN, SAGEN, SAUER PD 10/19/18	180.00
BANK WEST, TID54 RAINBOW RIDGE, PD 10/23/18	7,213.39
BANK WEST, TID65 MINNESOTA ST, PD 10/23/18	87,512.72
BANK WEST, TID70 CATRON BLVD, PD 10/23/18	15,764.84
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 10/23/18	1,027.27
CITY OF RAPID CITY, TID64 CABELA'S, PD 10/23/18	22,049.14
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 10/23/18	5,513.73
SODAK DEVELOPMENT, TID68 HOMESTEAD, PD 10/23/18	686.40
US BANK, CREDIT CARD CHARGES, PD 10/31/18	45,367.44
US BANK TRUST, SRF DRINKING WATER #3 PRIN AND INT, PD 10/18/18	21,713.87
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 10/29/18	1,891.46
BLACK HILLS ENERGY, ELECTRICITY, PD 10/18/18	322.94
BLACK HILLS ENERGY, ELECTRICITY, PD 10/29/18	47,949.95
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/18/18	790.45
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/29/18	19,636.88
COMPUTER BILL LIST	4,456,843.56
CDEV COMPUTER BILL LIST	196.35
SUBTOTAL	7,901,938.81
RSVP, P/ROLL PERIOD END 10/13/18, PD 10/19/18	1,415.14
RSVP, PIONEER BANK & TRUST, 10/13/18 P/ROLL TAXES, PD 10/19/18	407.73
RSVP, COMPUTER BILL LIST	122.99
TOTAL	7,903,884.67
IMPREST ACCOUNT, JBT AEROTECH JETWAY SYSTEMS INC.	24,868.80
JET BRIDGE #3 PLC CONVERSION KIT GRAND TOTAL	7,928,753.47

Davis presented the bill list of \$7,928,753.47. Motion was made by Nordstrom, second by Scott and carried to authorize (No. CC110518-01) 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 Scott, second by Drury and carried to adjourn the meeting at 8:44 p.m.

Dated this 5th day of November, 2018.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)