

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 7, 2019

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, January 7, 2019, 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, and Laura Armstrong; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts and Chad Lewis

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Fire Chief Rod Seals, Public Works Director Dale Tech, Community Development Director Ken Young, Planning Manager Vicki Fisher, Parks and Recreation Director Jeff Biegler, Community Development Specialist Barb Garcia and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

Mayor asked that Item 42 (18RZ027) and Item 43 (18RZ028) be heard after Item 52 (18PD029). Motion was made by Scott, second by Laurenti and carried to adopt the agenda.

AWARDS AND RECOGNITIONS

Karen Johnson was recognized for 20 years of service. She was thanked for her service and dedication to the City of Rapid City.

Becky Drury asked to take a moment of Personal Privilege. She recognized Darla Drew for receiving the Rushmore Honors Legacy Award. She stated that Darla was very deserving for all she does for the City of Rapid City. Darla thanked her for the recognition.

NON-PUBLIC HEARING ITEMS -- Items 2 – 49

CONSENT ITEMS – Items 2 – 41

The following items were removed from the Consent Items:

2. Approve Minutes for the December 17, 2018 Regular Council meeting.
39. LF010219-10 – Approve FY 2019 Community Investment Human Services Allocation Recommendations

Motion was made by Drury, second by Modrick and carried to approve Items 2-41 as they appear on the Consent Items except 2 and 39.

Approve Minutes

3. Approve Minutes for the December 27, 2018 Special Council meeting.

Alcoholic Beverage License Applications Set for Hearing (Tuesday, January 22, 2019)

4. DNJ, Inc. DBA Dickey's BBQ for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an Event scheduled for February 7, 2019 at The Rushmore Mall, 2200 N Maple Ave, roped off common area in front of Victoria Secret
5. DNJ, Inc. DBA Dickey's BBQ for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine License for an Event scheduled for February 23, 2019 at The Rushmore Mall, 2200 N Maple Ave, Suite 2003 (The old Sears location.)

- 6. American Heart Association for a SPECIAL EVENT On-Sale Dealer license and Off-Sale Package Wine Dealer license for an Event scheduled for February 23, 2019 at Rushmore Plaza Civic Center, 444 N. Mt. Rushmore Rd.
- 7. Pennington County Democratic Party for a SPECIAL EVENT On-Sale Wine License for an Event scheduled for February 8, 2019 at Prairie Edge, 606 Main Street
- 8. Knights of Columbus for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine License for an Event scheduled for February 8, 2019 at Blessed Sacrament Church, 4500 Jackson Blvd
- 9. BW Gas & Convenience Retail LLC DBA Yesway #1187, 4030 Cheyenne Blvd for a Retail (on-off sale) Wine and Cider license

Public Works Committee Consent Items

- 10. PW010219-01 – Approve Authorization for Staff to Seek Proposals for Engineering Services for Lime Creek Detailed Analysis of Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas (SFHA), Project No.18-2479 / CIP No. 51192.
- 11. PW010219-02 - Authorize Mayor and Finance Officer to Sign a Resolution 2018-088 Authorizing Designees of Director of Public Works to Sign Documentation Required for Construction Project Coverage Under South Dakota Department of Natural Resources General Permit for Discharges Associated With Construction Activities

RESOLUTION 2018-088

A RESOLUTION AUTHORIZING DESIGNEES OF DIRECTOR OF PUBLIC WORKS TO SIGN DOCUMENTATION REQUIRED FOR CONSTRUCTION PROJECT COVERAGE UNDER SD DENR GENERAL PERMIT FOR DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

WHEREAS, the City of Rapid City as the owner of construction projects must obtain coverage under the South Dakota Department of Natural Resources (“DENR”) General Permit Authorizing Stormwater Discharges Associated with Construction Activities (“DENR General Permit”) for projects that meet the minimum requirements; and

WHEREAS, the DENR imposes on the City an obligation to comply with certain signatory and reporting requirements of the DENR General Permit; and

WHEREAS, Section 7.4(1) of the DENR General Permit requires the Mayor or Council President to sign all applications and reports submitted under the DENR General Permit; and

WHEREAS, Section 7.4(2) of the DENR General Permit allows the transfer of authority to sign applications and reports to more appropriate personnel that have familiarity and responsibility for City construction projects; and

WHEREAS, the Common Council adopts this Resolution to authorize the Director of Public Works and his/her designees to generate, sign, and submit all reports and applications required by the SDDENR and to provide other information as requested by SDDENR pursuant to the City’s DENR Permit.

NOW, THEREFORE, BE IT RESOLVED the Common Council authorizes the following individuals to generate, sign, and submit all reports and applications required by the DENR Permit, to provide and sign other information requested by SDDENR as part of the DENR Permit, and to otherwise do all things necessary to act on the City’s behalf to fulfill the terms of the DENR Permit:

Director of Public Works;
Assistant Director of Public Works; and
City Engineer.

I, Steve Allender, Mayor of the City of Rapid City, hereby certify that the foregoing resolution was passed by the City of Rapid City Common Council at a meeting held on January 7, 2019.

Dated this 7th day of January, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Pauline Sumption
 Finance Officer

12. PW010219-03 - Authorize Mayor and Finance Officer to Sign an Amendment between the City of Rapid City and FMG Inc. for Professional Services for West Memorial Park Improvements, Project No. 2246 / CIP No. 51083, in the amount of \$32,789.50.
13. PW010219-04 - Authorize staff to advertise for bids for Main Street Valve Repair 5th to West Blvd. Project No. 18-2456, CIP No. 50705
14. PW010219-13 - Authorize Mayor and Finance Officer to Sign Amendment #2 to the Agreement Between the City of Rapid City and Ferber Engineering Company, Inc. for Design and Bidding Professional Services for W. Omaha Street Utilities – Sheffer Street to 12th Street, Project No. 16-2099 / CIP 50904
15. PW010219-14 – Approve Change Order 2 to Simon Contractors of SD, Inc. for East Boulevard/East North Street Utility Reconstruction, Project #14-2170/CIP 50866.1 for an increase of \$31,160.00.
16. PW010219-15 – Approve Change Order 1F to Simon Contractors of SD, Inc. for San Marco Boulevard Reconstruction, Project #17-2412/CIP 50429 for an increase of \$25,769.31.
17. PW010219-16 - Approve Change Order 2 to Highmark, Inc. for Omaha Trunk Sewer Reconstruction, Project #17-2423/CIP 50878.1 for an increase of \$49,369.16.
18. PW010219-05 - Authorize Mayor and Finance Officer to Sign State of SDDOT Section 5307 Urban Public Transportation Matching Funds Agreement for \$37,837.50
19. PW010219-12 – Approve Council Ratification of Agreement with Navistar Regarding the Engine Repower of 7 Transit Busses for \$190,000.00.
20. PW010219-06 - Authorize Staff to Purchase a 2019 Chevrolet Express 1 Ton, 12 Passenger Van from Liberty Superstores with matching State Bid Pricing in the Amount of \$28,723.00.
21. PW010219-07 - Authorize Staff to Purchase a 2019 Chevrolet Silverado 3/4 Truck, 4x4, Extended Cab Short Box from Lamb Chevrolet with State Bid Contract Pricing in the Amount of \$28,642.00
22. PW010219-08 - Authorize Staff to Purchase a 2019 RAM Tradesman 4x4, Crew Cab, Short Box Truck from Liberty Superstores with Matching State Bid Pricing in the Amount of \$27,747.
23. PW010219-09 - Authorize Staff to Purchase a 2019 RAM Tradesman 4x4, Crew Cab, Short Box Truck from Liberty Superstores with Matching State Bid Pricing in the Amount of \$27,052.
24. PW010219-10 - Authorize Staff to Purchase 2 (two) 2019 Groundsmaster 4000D T4 AWD with Light Adapter Kit and Road Light Kit from Midwest Turf & Irrigation with IPA Pricing for \$64,425.00 each with a Total Price of \$128,850.00

Legal & Finance Committee Consent Items

25. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Bailey Huepel (RSVP+),
26. LF010219-01 – Authorize Mayor and Finance Officer to Sign Engagement Letter with Ketel Thorstenson, LLP for the FY2018 Audit
27. LF010219-06 – Approve request for property tax abatement as follows: David Schlinkert; Applicant, having otherwise qualified for the Assessment Freeze for the Elderly and Disabled, but missed the deadline as prescribed in 10-6A-4
28. LF010219-07 – Acknowledge November 2018 General Fund Cash Balance Report

- 29. LF010219-08 – Approve Resolution No. 2019-001 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-001
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 7th day of January, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 30. LF010219-13 – Approve 2019 Insurance Renewals-Property, Liability & Workers Comp

CIP Committee Consent Items

- 31. No. CIP122118-00 - Acknowledge Capital Improvement Programs Committee Monthly Updates for December 2018
- 32. No. CIP122118-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, CSAC, Summary)
- 33. No. CIP122118-04 – Approve Capital Plan for Fire Vehicles
- 34. No. CIP122118-05 – Approve Capital Plan for Parks & Recreation
- 35. No. CIP122118-06 – Approve Capital Plan for Information Technology
- 36. No. CIP122118-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
- 37. No. CIP122118-02 – Approve Capital Plan for PW Infrastructure (Formerly called Capital Plan for Streets, Drainage, MIP Projects).

Community Department Consent Items

- 38. LF010219-09 – Approve FY 2018 Community Development Block Grant (CDBG) Reallocation/Allocation of Grant and Program Income Funds
- 40. LF010219-11 – Approve FY 2019 Community Development Block Grant (CDBG) Funds Annual Plan Allocations Recommendation
- 41. 18TP042 – Approve 2019 Unified Planning Work Program Amendment #19-01

END OF CONSENT ITEMS

Mayor read in the item to Approve Minutes for the December 17, 2018 Regular Council meeting. Drew said the minutes should reflect the correct name for the women's group who sang at the last meeting. Their name should be recognized as the Black Hills Showcase instead of the Acapella Showcase. Motion was made by Salamun, second by Nordstrom and carried to approve.

Mayor read in item (LF010219-10) Approve FY 2019 Community Investment Human Services Allocation Recommendations. Salamun asked Young about the calculation difference for this item. Young referred to Garcia and said it was a discrepancy between what was budgeted and what was allocated. She said the investment group thought the amount was still \$50,000 but it had been decreased by \$1250 to meet the budget. She gave options to reallocate the funds to account for the \$1250 through the three agencies that are funded. She recommended each agency be decreased by the percentage they were allocated. 211 would be reduced by \$500, and the other two would be decreased by \$375 each. Salamun asked if this would affect any of them getting their grant funds because the amount is being lowered. She said no. Motion was made by Scott, second by Drury to decrease by the percentage suggested by Garcia. Motion carried.

NON-CONSENT ITEMS – Items 42 – 49

Kyle Treloar, developer's representative, from KTM Design spoke regarding item 48. The project is in reference to the Diamond Ridge Subdivision, Phase II, which are the two multi-family lots. They currently have a residential phase under construction right now. The two lots are located on Valley Drive and there is only one access point. They own the development east of this. As part of the application they did consult with the fire department and they did not object to the development. Any new construction would have fire sprinkler protection. They propose to grade in and construct an additional water line that will tie in from the Copperfield Vista Subdivision into the existing development on the west side of the property. They will be grading in the future Homestead Street right-of-way and with that they will also be constructing the water main. There is currently only one water main that feeds this area. By constructing the secondary water main they will improve the overall fire protection for the entire existing subdivision. He said this is a phased project. They will be constructing additional streets and eventually the second access point out of this neighborhood.

Ordinances

Ordinance 6264 (LF010219-02) An Ordinance to Amend Chapter 15.14 of the Rapid City Municipal Code to Adopt the 2018 International Property Maintenance Code. Motion was made by Laurenti, second by Nordstrom and carried that Ordinance 6264 was placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, January 22, 2019

Ordinance 6266 (LF010219-03) An Ordinance to Amend Chapter 15.22 of the Rapid City Municipal Code to Adopt the 2018 International Fuel Gas Code. Motion was made by Drew, second by Modrick and carried that Ordinance 6266 was placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, January 22, 2019

Ordinance 6270 (LF010219-04) An Ordinance to Amend Chapter 15.13 of the Rapid City Municipal Code to Adopt the 2018 International Residential Code. Motion was made by Drew, second by Nordstrom and carried that Ordinance 6270 was placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, January 22, 2019

Ordinance 6285 (LF010219-05) An Ordinance to Amend Chapter 15.12 of the Rapid City Municipal Code to Adopt the 2018 International Building Code. Motion was made by Laurenti, second by Nordstrom that Ordinance 6285 was placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, January 22, 2019. Motion carried 7-1 with Drew voting no.

Public Works Committee Items

Drew read in (PW010219-11) Appeal by KTM Design Solutions, Inc. on Behalf of BH Capital, LLC of an Exception Request Denial to Allow for 93 Dwelling Units with One Point of Access. Motion was made by Drew, second by Nordstrom to approve the appeal. Drew said there was a lengthy discussion at Public Works. She stated that public safety is their main concern. She said with the support from the fire department, they felt it would be okay to move forward. The sprinkler systems in main units were a positive aspect. Scott said she would vote no. The number of entrances is a safety factor. One safety factor is the sprinkler system. The second safety factor is having a second exit. In response to a question from Salamun regarding a temporary second exit, Treloar said they are proposing to do all the grading for Homestead Street, which will match future street grades. This is not a rough ground area, so this could be used as an emergency exit if needed. Salamun said a standoff is a real scenario and a second exit is important. He's looking for future second access as development goes into different phases. He said the developer has a proven track record for safe developments. Salamun said this is a good compromise and he will support to approve. Nordstrom asked Treloar who owns the neighboring lots. He said there was a gas station and buffalo processing store. Treloar said they are grading the future Homestead Street and there would be a continuous path between the two exits. Nordstrom said the neighbors to west will appreciate the new water source. In response to a question from Scott, Landeen doesn't foresee any liability for the one access. He can never predict how a judge will rule on potential cases. He is not aware of any time the city has been sued for something like this. Motion passed to approve the 93 dwelling units with one point of access, 5-3 with Scott, Laurenti and Drury voting no.

Legal & Finance Committee Items

Armstrong read in item (LF010219-12) Direct staff to draft an ordinance or resolution requiring written justification for any future fee adjustments. Motion was made by Salamun, second by Laurenti to approve. Salamun asked staff to revise resolution 2015-116. This will provide clarity for staff and the public when there are requested fee changes. The amended resolution should make things more clear and transparent. In response to a question from Armstrong, Sumption didn't feel it was needed but having the language clarified wouldn't hurt. Drew said she is not opposed to clarifying the language. She spoke in favor of some fee changes as some fees have not been raised for 25 years. The amended resolution should help the public understand future increases. Motion carried 8-0 to amend resolution 2015-116.

PUBLIC HEARING ITEMS – Items 50 – 53

George Webster spoke on Item 52 (18PD029). He lives in the apartments on Promise Road. He appreciates that each dwelling has an elevator and advanced security. He said there is more need for apartments like these. He said the Samuelson's have a family-owned company. He thinks there are many advantages of building these new apartments. John Samuelson, applicant, with Samuelson Development is excited to do another development. In 2013 they built Copper Ridge Development. He takes pride in offering good service and products. Copper Ridge has maintained 100% occupancy. People love the area, views and amenities; pool, community center, fitness, theatre; and all units have an elevator. He asked council to allow him to maintain the allowed 4-story building height. By maintaining the 4-stories, they can preserve the natural topography, and create a walking path with 3-acres of trees. The buildings will have nice exterior finishes and nice curb appeal. Instead of asking for a TIF like BH Energy and Dream Design, he's asking council to vote in favor of the development as submitted. Chris Long, Representative of Samuelson, spoke on behalf of them. He said they are providing the basic need of housing. They deliver a high class product and are ADA compliant. Customers have a high desire for the proposed amenities and there is already a waiting list. If the development is not approved, the city could end up with fragmented areas. He asked that the development be approved. Bob Brandt, general contractor for Phase 2, said that construction on 4-levels is wanted. Samuelson uses local workers and suppliers when they can. They have built over 200 new buildings over the years. Medical facilities want nice living nearby. There will be many 4-story buildings in the future. If they allow the 4-stories, there will be more open area and they will be able to keep over 100 trees. Bev Gehman and her husband live at Copper Ridge and love it there. There a quite a few seniors there who also enjoy it. She supports the

new apartment and hopes that council will approve it. She said there is little to no noise or light pollution. She thinks this new complex will be an asset to Rapid City.

Jeff Bendt lives on Berglund Road near proposed project. He is speaking on behalf of the people against the apartment. They are concerned about the density. These apartments are on 14 acres, with 40-acres as a buffer. He said the proposed increased density brings more vehicles. He thinks the traffic count would increase by 4000 cars. He said these apartments are not the vision of the corridor committee. Jason Bryce, resident on Brooklyn Road, spoke on wanting the item denied. He does not think this is the right property for this use. He said the comprehensive plan doesn't go along with this use. He thinks the issue along this coordinator, is that everyone will have less of a view. He said the property is too small for a PUD. He said it doesn't seem like the ideal fit for the project. Marcia Beshara also lives on Berglund Road. She is looking at this from a business perspective. She is a business owner of Rapid City Medical Center. She is concerned with the proper use of the corridor. She would like the viewpoints of the other business owners to be considered. She said the Gateway Corridor is from Omaha Street to Reptile Gardens. This gateway has increased access to businesses. She doesn't think this apartment plan fits into the comprehensive plan. She wants council to uphold planning commission decision to deny. Robert Durst said he lives on Berglund Road. He wants council to uphold the denial of the proposed development. They are Pro-Rapid City and value the Black Hills and want the council to follow the Mt. Rushmore Road comprehensive plan. He thinks they are trying to put this development where it doesn't fit. He wants council to supply uniform and consistent codes and policies on this coordinator. He requested them to uphold the Planning Commission's denial. Mark Kampfe lives on Dunsmore Road and has been there for 8-9 years. He does not want the project approved for the same reasons as the others mentioned.

Jay White spoke against item (18PD033). He said he lives on Skyline Ranch Road, adjacent to this development. There are 19 houses, each on 5-acres that pay a lot in taxes to the city. The oversized garage doesn't meet the caliber of houses out there. He thinks the garage will devalue the adjacent properties. He wants council to overturn the Planning Commission's decision to approve this with stipulations. Marne Gould, also lives on Skyline Ranch Road, and is the neighbor to the west. She has extra storage herself. She doesn't mind the request but wants it relocated. The oversized garage will end up affecting the rest of the neighborhood, if it doesn't align with the aesthetics of the neighborhood. They want to have open space with no obstruction. She would like council to approve their appeal and send back for further stipulations. Cliff Bienert said he lives on Skyline Ranch Road and passes by this property daily. He wants an oversized garage, the size of a pull barn, with metal siding. He wants it modified to try and appease the community. He said it's oversized, too prominent and a blemish to a beautiful part of the city. Jan Schultz lives near the property and votes against the oversized garage. Jay Shultz said he is speaking on behalf of his parents who live in Skyline Ranch Road. This is the only road that accesses this area. He said accessory uses must follow permitted uses. He said if it's built, it will dominate and take over the existing dwelling. He wants council to overturn the planning commission's decision. Bob Brandt spoke and said the applicant only wants what the White's and Gould's have. They have the garage moved back as far as they can. He wants to store his tractor, work on his truck and grow some vegetables. He asked the council to deny the neighbor's appeal.

CONSENT PUBLIC HEARING ITEMS – Item 50

Alcohol Licenses

50. Cortez, LLC DBA Alex Johnson Hotel, 523 6th Street for a Package Delivery License

Motion was made by Salamun, second by Modrick and carried to approve Item 50.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 51 – 53

Ordinance 6291 (18OA014) an Ordinance Amendment to Update the Requirements for Private Garages by Amending Sections 17.04.315, 17.08.030J, 17.10.030N and 17.38.030L of the Rapid City Municipal Code having passed its first reading on December 17, 2018 motion was made by Laurenti, second by Drury that the title be read the second time. In response to a question from Modrick, Fisher said the amended ordinance cleans up the requirements. Motion passed 8-0.

Mayor read in item (No. 18PD029) Appeal of Planning Commission's decision on a request by KW Commercial for Samuelson Development, LLC for an Initial Planned Development Overlay to allow an apartment development for property generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road. Modrick asked what happens to items 42 and 43 if this item is denied. Mayor said this one needs to be decided first, then 42 and 43. Armstrong said she spoke to both parties to gain more information. She understands both aspects. She is a small business owner and also a home owner. She would like everyone to get along. She said the neighbors were willing to make a few compromises. She thought it would be a good idea to continue to the January 22, 2019 city council meeting. She wanted to give the parties a chance to get together and mediate a better compromise. Motion was made by Nordstrom, second by Drew to continue to the January 22, 2019 meeting. Salamun said he definitely wanted to see the development happen but he understands the desires of the current homeowners as well. Salamun asked Fisher what compromises the neighbors want. Fisher noted that the height and location of the accessory structures in the front yard were predominant issues. Salamun asked the applicant if they would compromise. Samuelson said the topography doesn't render good building in some areas and in order to get the number of units they want, they need to do the 4-stories. He said some of the buildings could be 3-stories but not all of them. Scott said she read the staff report, based on the findings, the height needs a variance. Fisher recommended that the applicant could revise the proposed site layout to remove the accessory structures from the front yard and that perimeter bermed landscaping could be added. Fisher noted that lowering the base ground elevation would reduce the impact of the height of the proposed structures. Fisher also noted that Planning Commission did not support granting an exception to allow 4-story apartments in lieu of 3-story apartments and noted concern with the traffic generated by the use. Fisher identified that a Traffic Impact Study will be required as a part of a Final Planned Development application. Samuelson said he needs the garages. As far as lowering 16-feet, he thinks that's too much. Scott said she would support continuing for two weeks. Substitute motion by Modrick to uphold planning commission's decision to deny. There was no second. Modrick said if this gets thrown out, they can start over. She said continuing won't help either side. She wants them to come back with a plan that can work for everyone. In response to a question from Nordstrom, Fisher said the Planning Commission had a tie vote when they voted on this. Since it was a tie vote, the item was denied. Nordstrom would like to see a compromise. Drew said she has talked to both parties as well. In response to a question from Drew, Samuelson said he's willing to build two buildings with 3-stories. She said she likes the 4-stories and the ADA access. In response to a question from Drew, Fisher said the Initial Planned Development is just a concept. The Final Plan is where all items are calculated. Substitute motion made by Laurenti, second by Salamun to approve the appeal and allow them to compromise by the time they get to the final. Laurenti would like to see the development happen. He said there are other businesses and developments in the same area. He wanted to see the developer compromise a bit more and work with the neighbors. He would like to see 3-stories with an elevator. It's nice to hear these are nice apartments. Landeen said the developer needs more guidance since they are investing a large amount of money. They aren't guaranteed this will be approved and then they are stuck paying more money. He would like council to be more specific on what they want from the applicant. Salamun said he would support two buildings having 3-stories and the remaining have 4-stories. Fisher said that Samuelson wants garages in the front yard setbacks approved as well. Scott said even if this is approved he still has to meet all the other requirements or get exceptions. Scott said there is still a height restriction that hasn't been approved. Samuelson would be allowed to come back with modifications if this was denied tonight. Scott said there are a lot of exceptions in the staff report. Laurenti asked Samuelson if he wanted the item denied or continued. Samuelson asked that the item be continued. Laurenti asked that his motion be withdrawn. Substitute motion by Armstrong, second by Salamun to continue. Fisher said there needs to be a public notice so she suggested the item should be

continued 30-days. Motion to continue to February 19, 2019, city council meeting was approved 7-1 with Modrick voting no.

Ordinance 6287 (No. 18RZ027) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KW Commercial for Samuelson Development, LLC for a Rezoning request from General Agricultural District to Office Commercial District for property generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road. Motion was made by Scott, second by Laurenti to continue to the February 19, 2019 City Council Meeting to be heard in conjunction with the Appeal of Planned Development application 18PD029.

Ordinance 6288 (No. 18RZ028) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KW Commercial for Samuelson Development, LLC for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located northwest of the intersection of Mount Rushmore Road and Fox Road. Motion was made by Scott, second by Laurenti to continue to the February 19, 2019 City Council Meeting to be heard in conjunction with the Appeal of Planned Development application 18PD029.

Mayor read in item (No. 18PD033) Appeal of Planning Commission’s decision on a request by Bob Brandt for a Final Planned Development Overlay to allow an oversized garage for property generally described as being located 1780 Skyline Ranch Road. (This is an Appeal of Planning Commission’s Decision to Approve with Stipulations.) Motion was made by Modrick and second by Drew to deny the oversized garage. Substitute motion by Scott, second by Armstrong to uphold the approval with stipulations. Scott said she read the staff report and this garage is in line with all the other buildings out there. She said the applicant did make adjustments to accommodate the neighbors. She will support Planning Commission’s decision. Modrick said the garage should not be larger than the main structure. Fisher said the proposed Ordinance Amendment clarifies that all accessory structures are counted towards the accumulative square footage allowed for a garage, 1,500 square foot or 30% of the size of the gross floor area of the dwelling, whichever is greater. This application gives council the authority to consider the size. She said the applicant first had steel-barn features and he changed it to resemble the single family residence and moved it as they asked and he did add landscaping. Planning Commission did support it. In response to a question from Nordstrom, Fisher said there were some issues with other structures nearby. There is a large barn that was annexed in. And other oversized accessory structures in the area. The proposed garage wall has stone structure, two stone columns and other features that match the home. Nordstrom said the owner has been trying to comply and he will support the planning commission’s decision. Motion approved 7-1 with Modrick voting no.

EXECUTIVE SESSION - To consult with legal counsel about pending litigation pursuant to SDCL 1-25-2(4). Motion was made by Scott, second by Laurenti and carried to go into Executive Session at 8:51 p.m. Motion was made by Scott, second by Drew and carried to come out of Executive Session at 9:00 p.m. with all members present.

STAFF DIRECTION – Staff direction regarding potential resolution of Elliason v. Rapid City. Motion was made by Laurenti, second by Armstrong for staff to continue discussion that occurred during Executive Session.

BILLS

The following bills have been audited:

BILL LIST - JANUARY 7, 2019

P/ROLL PERIOD END 12/22/18, PD 12/28/18	1,814,494.56
SUPP P/ROLL PERIOD END 12/22/18, PD 01/03/19	225.12
PIONEER BANK & TRUST, 12/22/18 P/ROLL TAXES, PD 12/28/18	473,996.55

PIONEER BANK & TRUST, SUPP 12/22/18 P/ROLL TAXES, PD 01/03/19	17.22
WELLMARK INC, HEALTH CLAIMS THROUGH 12/21/18, PD 12/27/18	281,269.74
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/24/18, PD 12/26/18	7,025.73
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/31/18, PD 01/02/19	2,741.89
BANK WEST, TID47 TOWER RD, PD 12/24/18	159,221.12
BANK WEST, TID54 RAINBOW RIDGE, PD 12/24/18	4,644.15
BANK WEST, TID56 RUSHMORE CROSSING, PD 12/24/18	29,214.65
BANK WEST, TID65 MINNESOTA ST, PD 12/24/18	9,572.86
BANK WEST, TID69 NORTH FIRE STATION, PD 12/24/18	5,701.89
BANK WEST, TID70 CATRON BLVD, PD 12/24/18	10,649.63
CITY OF RAPID CITY, TID39 ANAMOSA/AR GROUP LLC, PD 12/24/18	1,300.07
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 12/24/18	4,732.37
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 12/24/18	5,564.70
CITY OF RAPID CITY, TID64 CABELA'S, PD 12/24/18	27,106.29
DACOTAH BANK, TID40 GANDOLF, PD 12/24/18	5,020.21
FIRST INTERSTATE BANK, TID39 ANAMOSA/AR GROUP LLC, PD 12/24/18	1,300.08
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 12/24/18	157,256.81
US BANK, CREDIT CARD CHARGES, PD 12/31/18	49,080.39
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 12/31/18	1,412.22
BLACK HILLS ENERGY, ELECTRICITY, PD 12/31/18	5,975.94
COMPUTER BILL LIST	343,947.48
SUBTOTAL	3,401,471.67
RSVP, P/ROLL PERIOD END 12/22/18, PD 12/28/18	1,415.14
RSVP, PIONEER BANK & TRUST, 12/22/18 P/ROLL TAXES, PD 12/28/18	407.83
TOTAL	3,403,294.64

Sumption requested to add payments to the following:

BLACK HILLS INSURANCE	941,165.00
2019 INSURANCE PREMIUMS	
CITY-LIABILITY INSURANCE FUND	198,538.50
2019 LIABILITY INSURANCE	
CITY-WORKERS COMPENSATION FUND	1,223,736.00
2019 WORK COMP	
CITY-WORKERS COMPENSATION FUND	542.00
2019 WORK COMP - CDEV	
CITY-WORKERS COMPENSATION FUND	35.00
2019 WORK COMP - RSVP	
IIARC	26,620.00
2019 AIRPORT GENERAL LIABILITY PREMIUM	
IIARC	489,494.00
2019 WORK COMP PREMIUM	
IIARC	217.00
2019 WORK COMP PREMIUM - CDEV	
IIARC	14.00
2019 WORK COMP PREMIUM - RSVP	
NEW GRAND TOTAL	6,283,656.14

The new bill list total is \$6,283,656.14. Motion was made by Laurenti, second by Scott and carried to authorize (No. CC010719-01) 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 9:03 p.m.

Dated this 7th day of January, 2019.

ATTEST:

Finance Officer

(SEAL)

CITY OF RAPID CITY

Mayor