

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 19, 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 Tuesday, February 19, 2019, at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Fire Captain Nick Carlson, Public Works Director Dale Tech, Community Development Director Ken Young, Planning Manager Vicki Fisher, Parks and Recreation Director Jeff Biegler, IT Officer Jim Gilbert, Long Range Planner Sarah Hanzel, Lieutenant Cathy Bock, and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

Motion was made by Laurenti, second by Drew to hear item 43 following items 27-28 and to adopt the agenda as amended.

GENERAL PUBLIC COMMENT

Gene Tyon, Director of non-profit organization Oaye Luta (which translates into moving forward in a sacred way), spoke to the council. He said they are a culturally based recovery program. He is asking for reconsideration of CDBG funding. They would use the funding for rent on a building for their services. Program is cultural based on Lakota cultural spirituality for those suffering from alcohol and drug addiction. He believes utilizing a cultural approach would help adjust their behaviors. They have several cultural programs to help the Native American people.

Kellyanne Kirkland-Snyder addressed the Council. She took possession of 708 St. Patrick Street last February. They have been rebuilding the inside of the home for a year and working with code enforcement on the cleanup of the outside. They make monthly trips to the dump and they missed November's trip to the dump. She said she came home in December and their pile was gone. She stated she received no notice. Her mail has been mistakenly taken to 708 East St Patrick Street. She said she didn't get the letter or receive any notice. She was instructed by code enforcement to go to the city Finance Office to get the notice and the bill. She wanted council to add this item to the agenda. Scott suggested putting this on the next Legal and Finance Committee meeting. The applicant asked for an extension of the \$500 which was due tomorrow. Sumption stated the information was given to her and they extended the time frame so the item could be added to the next Legal and Finance meeting.

John Hebrard, past President of the Red Rock Meadows Homeowners Association, addressed the council. He said he was at the council meeting last November. He said he wrote an email to the Mayor, City Attorney, Ward-3, the HOA board, and the HOA attorney last week. He said he had yet to receive anything. He did receive an email from Jason Salamun today asking if Hebrard had heard anything. Hebrard said not yet. Hebrard showed the document from 2005 between the city and DKEA developer. Around August 2017, DKEA owner decided he's not taking care of the lights anymore. He said Red Rock Park is not owned by Red Rock Association. The DKEA owner never did what he promised to do. There are several light poles installations that was never done. The light bulbs were not replaced every 4-5 years. He said a light on Waterville Court and Holly Drive blinks on and off which means it's defective. He said there are three lights like that out there. He would like to hear back from the city on what they are going to do since they own the street lights.

Dwayne Abata addressed council regarding a traffic situation. He said there is a potential industrial operation that is trying to establish a rock quarry south on Highway 16 within the three-mile platting jurisdiction. He said the traffic from the rock quarry will be tremendous. They plan on 150 trucks and trailers per day. This will end up being a truck every 1-2 minutes. Council should be aware of the traffic situation on the corner of Catron and Highway 16. He advises that the traffic engineer do a study and possibly prepare a short report on the traffic impact of this potential industrial site. He is concerned about the safety of the area.

NON-PUBLIC HEARING ITEMS -- Items 1 – 34

CONSENT ITEMS – Items 1 – 26

Motion was made by Drew, second by Armstrong to approve items 1-26 as they appear on the Consent Items.

Approve Minutes

1. Approve Minutes for the January 31, 2019 Special Council meeting.
2. Approve Minutes for the February 4, 2019 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (March 4, 2019)

3. Special Olympics South Dakota for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for an Event scheduled for April 6, 2019 at Black Hills Harley Davidson, 2820 Harley Drive

Public Works Committee Consent Items

4. PW021219-01: Approve Request for 2019 Stormwater Drainage Utility Fee Abatement for CITCRA, LLC, for property located at 4114 Brooke Street Tax ID 68057, in the amount of \$1,099.54
5. PW021219-02: Authorize Mayor and Finance Officer to Sign an Amendment to the Agreement between the City of Rapid City and HDR Engineering, Inc. for LaCrosse Street Interchange Utility Improvements, Project No. 16-2318 / CIP No. 51108, for an increase of \$3,425.00.
6. PW021219-03: Authorize staff to advertise for bids for Disk Drive and Haines Avenue Intersection, Project No. 16-2347 / CIP No. 51121. Estimated Cost \$1,361,000.00.
7. PW021219-04: Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Pennington County for Traffic Signal at Sheridan Lake Road and Dunsmore Road
8. PW021219-05: Approve Change Order 6 to Lind-Exco, Inc. for West Omaha Utility Reconstruction Project #15-23160/CIP 50904.1 for a decrease of \$87,028.52.
9. PW021219-06: Approve Change Order 3 to Simon Contractors of SD, Inc. for E. Blvd/E. North Street Utility Reconstruction Project, Project #14-2170/CI P 50866.1. This is a no cost change order to correct a bid item
10. PW021219-07: Request from Highland Properties, LLC, for a Variance to waive the requirement to install sidewalk on the Sedivy Lane portion of property per City Ordinance 12.08.060 C.
11. PW021219-09: Authorize Mayor and Finance Office to sign permanent easement to Black Hills Power, Inc. for construction of an electrical system in advance of the W. Omaha Street to 12th Street Project No. 16-2099/ CIP No. 50904.
12. PW021219-10: Authorize Mayor and Finance Officer to Sign a Joint Funding Agreement between U.S. Department of Interior, U.S. Geological Survey and City of Rapid City for 2019 Water Resource Investigations for operation and maintenance of selected stream gaging stations, hydrogeological data collection and analysis, application and regionalization of groundwater flow model, stormwater monitoring, and Rapid Creek water quality monitoring.
13. PW021219-11: Authorize Staff to Advertise Bids for Knollwood Drive Inlay Project 19-2473 / CIP No. 50798. Estimated Cost \$95,000
14. PW021219-15: Request for Mayor and Finance Officer to sign Professional Services Amendment for Project 17-2424/CIP No. 5063 with American Engineering Testing, Inc., for Citywide

Geotechnical, Construction Materials, and QA/QC services for an to increase the contract amount by \$2,398.05.

- 15. PW021219-12: Approve Change Order No. 2F to RCS Construction, Inc. for Cemetery Storage Building Project No. PR18-6165, for an increase of \$293.05.
- 16. PW021219-13: Approve Change Order No. 2F to Simon Contractors of SD, Inc. for Mt. View Cemetery & Mt. Calvary Cemetery Improvements Project No. PR18-2409, for an increase of \$335.83.
- 17. PW021219-16: Request Advertising Authority for 2019 Parks and Recreation Asphalt Paving Project PR19-6166 for an estimated cost of \$635,000.

Legal & Finance Committee Consent Items

- 18. LF021319-03 – Authorize Staff to apply and accept if awarded the FY 2019 South Dakota Office of Emergency Management Hazardous Materials Emergency Preparedness Training Grant in the Amount of \$2,000.00
- 19. LF021319-10 – Authorize Staff to apply and accept if awarded the 2019 Homeland Security Grant for a Confined Space Air Cart (\$10,000) and a Water Rescue, Diver Operations Boat (\$100,000) for a total Amount of \$110,000
- 20. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Sandra Franke (RSVP+), Mary Mackinlay (RSVP+), Diane Minion (RSVP+), Paul Cohen (Library)
- 21. LF021319-09 – Authorize the Mayor and Finance Officer to Sign Agreement to Purchase Parking Technology and Related Services with IPS Group, Inc.
- 22. LF021319-05 – Approve Resolution No. 2019-013 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-013
 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 19th day of February, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

- 23. LF021319-06 – Acknowledge December 2018 Sales Tax Report

24. LF021319-07 – Authorize Mayor and Finance Officer to sign Covered Agency Security Authorization with RBC for Managed Account
25. LF021319-02 – Authorize the Mayor and Finance Officer to sign the FY 2018 Youth and Family Services (YFS) Community Development Block Grant (CDBG) Reallocation Contract and Indenture
26. LF021319-04 – Authorize Staff to Purchase 2 -2019 Dodge Journey vehicles from Liberty Superstores, Rapid City, SD: EPA Standard Sport Utility Vehicle, State Contract #17259 number 8, Page 14, in the amount of \$47,600

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 27 – 34

Item 43 was included in non-consent open public comment since this item was being voted on in conjunction with items 27 and 28.

John Samuelson, Samuelson Development, addressed the Council. He said as requested he got together with staff and discussed several different photo simulations for 3-4 story buildings. They asked the neighbors which they preferred and they said 4-storey in order to keep the back space open. Developer was asked if they were open to fence and landscaping. They agreed and showed them drawings. Neighbors want developer to extend fence along Fox Road. He said despite the additional cost, he is showing his willingness to compromise. Samuelson said their request is within the city's future land use and apartments are appropriate for this use. Jeff Bendt said the neighbors didn't feel this is the right place for these buildings to go. He feels the complex will cause traffic congestion. He doesn't like the elevations, they are too high. He said the property isn't properly zoned for high density apartments. The applicant is asking the city to change the zoning and reduce the setbacks so the buildings and garages can be closer to the highway and remove the current height restrictions. The rezone will also affect the traffic, safety and drainage. The council should follow rules and ordinances and not make numerous exceptions. Tim Bradeen, President of the Enchanted Hills Homeowner's Association, addressed the Council. He said the association represented 52 property owners. They are opposed to the rezone and the overall project. He said they are concerned with traffic and safety. They think 14 variances are too many. There is already difficulty turning on the east side of Highway 16. He said this project doesn't follow the Mt. Rushmore Road Comprehensive Plan. Robert Hurst spoke. He said some neighbors formed a group called the Bergland Neighborhood Organizational Group. They sent out 1100 postcards and the people who responded were all against the project. Mary Casey stated she was opposed to the project. She said each person is going to be impacted by 4000 extra vehicles going down the corridor. She is asking the council to deny the rezone. Jodi Bendt is opposed to the project. She feels the neighbors have been overlooked. She wants the project denied. Nancy Jensen is opposed to the concept. She would like the city to stick with the comprehensive plan. Others who spoke and agreed with the denial are: Marcia Beshara, Bob Rosenquist, Karen Bulman, Ashley Holmgren, Tim Matthew, and Richard Edelen. Mike Wheeler, attorney representing the homeowners, said the group was in opposition to the rezone and to the planned development overlay district, which includes the apartments. He said there are way too many exceptions being granted. Wheeler also noted that the property owner is not Samuelson Development but instead an entity called Second Story LLC. He said in order for the exception to be granted there should be an undue hardship and he hasn't heard what that is. Bob Brandt stated he was in favor of the project. He said the traffic study will be implemented before the planned development is granted. This area now has Black Hills Corp and the new orthopedic facility. The comprehensive study was done years ago. No one could have foreseen the new developments that are here now. There is a need for nice apartments near these higher paying facilities. Lead Pastor First Assembly of God, Craig Moore, addressed the council. He said these apartments are going to obstruct their view. He would like the council to listen to the people. Debra Jensen, President of the Mt. Rushmore Road Group, addressed the council. She listed several land use plans surrounding the Mt. Rushmore Road Corridor. She stated this was not the right location for this project. Jerry Cope spoke to the council. He's involved in commercial agriculture development. He doesn't think this is the right location for this

project. He wonders why the city has a comprehensive plan if they aren't going to follow it. Mike Quasney, member of the Rushmore Road group, has concerns about this project. He thinks it's a good plan but needs to be in a different location. If the project needs 14 exceptions, it's not in the right place or the right plan.

Tony DeMaro spoke in favor of item (LF021319-01). He said when someone visits Rapid City they should leave with a memorable experience with the culture; shopping, dining, etc. Every time someone leaves, they should say that was incredible. With every ordinance that protects our city, it also helps bring visitors back to Rapid City. Julie Santella said she had concerns about the ordinance. She said affordable housing is a real problem. She encouraged council to think about people who live here instead of focusing on the tourists. She feels like council is criminalizing people who are having a hard time making ends meet. She wants them to think about directing resources toward programming services and creating more affordable housing. LacQuetta Fasthorse stated that instead of punishing panhandlers', give them better resources with employment, housing and food. Not all homeless people are alcoholics or drug users. This is where stereotyping and discrimination come into play. She believes the ordinance is solely based on racial profiling. She believes the ordinance is a joke. Ramona Herrington spoke against the ordinance. She stated that she is a veteran. She said the homeless conduct is a substance abuse and mental health crisis. She knows there are other solutions other than to arrest and fine them. Natalie Stites Means, member of Cheyenne tribe, is appalled by the effort of the city. She has researched it and looked at the quotes from the Mayor. She quoted him as saying the panhandling issue is a Native American issue. She said these individuals have been traumatized and they need the city's help not their criminalization. Panhandlers are the most victimized people in Rapid City. The city needs to increase victim's services. She said the Native American's are being racially targeted. She feels this effort is transparently racist and it indicates the absolute failure in social services and healthcare here in this region. Robert Horse Stands Waiting stated he is opposed to this ordinance. He feels it's biased. He said the police should use their time to stop real crime. He believes Rapid City is a good place but can be a better place. He thinks the city can find solutions to this problem instead of criminalizing people. Chase Iron Eyes, Lakota Peoples Law Prosecutor, spoke against the ordinance. He feels the ordinance is targeting the Native American people. Anna Robinson said her generation is looking for honesty and community and she doesn't believe this ordinance upholds those values. She said the language seems very vague and seems biased toward the homeless and disadvantaged. Karissa Loewen said she is opposed to the ordinance. She said the city noted that they already have a non-solicitation ordinance on the books that they feel is unconstitutional. She feels that ordinance needs to be repealed, but not replaced. She feels enough laws are in place and this ordinance infringes on people's civil rights. She feels there is unresolved trauma, unresolved mental health issues and a huge housing crisis. She thinks the language in the ordinance is problematic and almost entirely fear-based. She does not think this is enforceable ordinance. She feels the ordinance is targeted at homeless people. The community needs to see data as to why this ordinance is needed. She asked what are the problems that aren't being addressed by the current laws? Dan Seftner stated he works and lives downtown. Destination Rapid City is looking to form an ambassador program and encourages people to join to help. There is a lot of help if people want it. He said the citizens need a behavioral change. He said this isn't race-oriented, it is for everyone on our streets. He supports this. Mozzarella Long is against the ordinance. She deals with racial discrimination and racial profiling. She wants everyone to work together instead of pointing fingers.

Tim Rose spoke on Item (CC02192019-04) and asked council to reinstate his taxi license. He said it was revoked because he violated his probation. He would like his license back so he can start working for Rapid Taxi. He doesn't agree with the separate rules for taxi's and LYFT. He said there is 123 LYFT drivers and only three cab companies. He thinks there are too many hoops to jump through to get a taxi license. He asked that his taxi license be reinstated.

In response to a question from Scott regarding due process, Landeen said it's about the fairness of the process for the applicant and for those opposed. He said there are two conflicting principles. One is the fairness of the process so to have a fair process if you're talking to people outside of the hearings and

not both parties are there, lawyers call that ex-parte communication, where there is only party involved. The other side doesn't know about those conversations and they can't adequately respond to it. The second principle, as elected officials, you are expected to interact and talk to your constituents and get their input on the decision you need to make. The courts have struggled with how to balance the requirements you have as elected officials to interact with your constituents with the process. South Dakota has adopted some laws. One states if an officer relies on any evidence not produced at a public hearing or meeting, the officer shall disclose the evidence publicly and include information in the public record to afford all opportunities an opportunity to respond or participate. If any of the outside information is factored into your decision, the officer is required, by South Dakota law, to disclose the information.

Ordinances

Scott read in items 27 (No. 18RZ027), 28 (No. 18RZ028) and 43 (No. 18PD029) in their entirety. Salamun said he spoke with the developer and the neighbors. Salamun had hoped the developer would change his plan to build a 3-story complex instead of a 4-story complex. Salamun is concerned about the traffic. He said most neighbors do not want the apartments built. He asked Vicki Fisher to explain what she had discussed with Samuelson since the last meeting. Fisher said the applicant went back and looked at his project and brought in photo simulations that would show the apartment building adjacent to Mount Rushmore Road lowered to three-stories. Fisher and Green sat down with six property owners and went through the photo simulations. It was suggested that trees and a fence be placed along Mt. Rushmore Road and Samuelson said he would do that. The neighbors preferred that the development be loaded heavy on the eastside, preserving the openness at the western portion of the property. Fisher was clear in stating that the neighbors preferred not to have apartments there at all. But between the two choices presented to them, the bottom elevation is the one the neighbors chose. Fisher indicated that if the allowance was going to be approved for the height, there would be an assurance that the open area would be preserved to the greatest degree possible, including retaining as many trees as possible. Armstrong said she spoke with the developer and neighbors. She appreciates all the work Samuelson has put into the project. In response to a question from Armstrong, Fisher said this is an initial plan development and if council grants the exceptions with the contingencies, when the final plan development comes in which it will require another public hearing before the Planning Commission, then staff and the Planning Commission will be looking for that criteria to be met. So if the council grants the exceptions, it will be contingent upon these other components being met. Armstrong asked Fisher to clarify staff's recommendation. Fisher said based on the direction given by council to consider one of the two options, and listening to the neighbors, staff will support what the neighbor's chose which is loading heavy the east side, doing the (4) four-story structures, preserving the open space on the western end with the stipulations, that very importantly include: a traffic impact study with the final planned development and all improvements coming forward on that street section as needed to address the traffic. Drury said she talked to neighbors but not Samuelson. She said council should follow the rules and not make exceptions. Roberts thinks it's a good development. He said the neighbors might not get what they want, but the complex might be better than something else that could have gone there. Motion was made by Modrick, second by Drury to deny (No. 18RZ027) Ordinance 6287, 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. And motion was made by Modrick, second by Drury to deny (No. 18RZ028) Ordinance 6288, 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. They said they would vote on these two items together. Modrick said she talked to both sides. She said she agrees with the neighbors. Laurenti said he spoke with both sides. The city needs housing in locations where it is developing. Samuelson has a good product and cares about his properties. Nordstrom spoke with both sides. He would like to see more of a compromise. He asked Fisher to clarify the loopholes. Fisher said in office commercial or business-park that apartments are permitted. Drew said she spoke to both sides.

She understands the traffic concerns. She also said the homeowners were aware that Mt. Rushmore Road is a busy road no matter what goes out there. In response to a question from Drew, Fisher said the drainage stipulations have to be met. Modrick asked Samuelson if there was a backup plan if the rezone didn't go through. He said no. Motion to deny (18RZ027 and 18RZ028) both failed 5-4 with Scott, Modrick, Armstrong and Drury voting yes. Motion by Roberts, second by Laurenti to approve (18RZ027 and 18RZ028) both passed 6-3 with Armstrong, Drury and Modrick voting no.

Motion was made by Modrick, second by Drury to deny (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. Nordstrom said he would vote against the denial since employment is part of the comprehensive plan. Substitute motion made by Laurenti, second by Roberts to approve (18PD029) with stipulations. Laurenti said it didn't make sense to make multiple motions on this item when council already voted on items 27 and 28. Salamun verified with Fisher that all 14 stipulations would have to be met. Fisher agreed. Salamun said he wished the complex had 3 stories instead of 4 so he was going to vote against it. Fisher said this was the initial plan and the developer still needs to pass the final plan. Motion passed 5-4 with Modrick, Salamun, Armstrong and Drury voting no.

Ordinance 6303 (LF021319-01) An Ordinance to Repeal Section 9.08.020 of the Rapid City Municipal Code and to Enact and Amend Provisions Concerning Certain Behaviors that are a Public Safety Risk. In response to a question from Salamun, Landeen said this ordinance has to do with citizens being obstructed. It is about protecting the public from the bad behavior and actions of others. Landeen said the police department came to them to rewrite the ordinance. Salamun there should not be discrimination against anyone. Jegeris said this ordinance is behavior-based. An arrest should always be the last resort. This will allow police officers to manage public safety in open spaces. The vulnerable should always be treated with compassion. In response to a question from Laurenti, Landeen said this is a tool that law enforcement feels they need. Laurenti said no one should be discriminated against. If this serves in making behaviors better, that's what is important. Modrick said the ordinance is matter of fact and critical to our community. Armstrong said she received many issues regarding this issue. She said it is not the panhandling, but the aggressive behavior, that is being addressed. In response to a question from Drew, Jegeris said this is needed now because of the increasing data coming from the Sheriff's office. An officer is sent out hourly to protect the public. They need to protect the public the best they can. Motion was made by Nordstrom, second by Salamun and carried to approve.

Ordinance 6265 (LF013019-01) An Ordinance to Amend Chapter 15.26 of the Rapid City Municipal Code to Adopt the 2018 International Mechanical Code having passed its first reading on February 4, 2019 motion was made by Laurenti, second by Modrick that the title be read the second time: Upon vote being taken, the following voted AYE: Salamun, Modrick, Nordstrom, Drew, Scott, Drury, Laurenti, Roberts and Armstrong. NO: None, whereupon the Council President declared the motion passed and Ordinance 6265 was declared duly passed upon its second reading.

Public Works Committee Items

Drew read in item (PW021219-14) Acknowledge informational presentation on the Black Hills Energy West Rapid City Substation and Transmission Line Project. Motion was made by Drew, second by Drury and carried to acknowledge.

Drew read in item (PW021219-08) Request from Highland Properties, LLC, for a Variance to waive the requirement to install sidewalk on the East Saint Patrick Street portion of property per City Ordinance 12.08.060 C. Modrick asked Tech if this item was being withdrawn, he said no. Motion was made by Drew, second by Nordstrom and carried to deny the variance.

Legal & Finance Committee Items

Armstrong read in item (LF021319-08) Approve the Request for Authorization to use Vision Fund allocation designated for Downtown Parking Ramp to Call Outstanding Parking Revenue Bonds. Motion was made by Armstrong, second by Laurenti to approve. Sumption explained why this was being authorized. Motion carried.

Appeals

Armstrong read in item (No. CC02192019-04) - License Appeal – Tim Rose, applicant. Jegeris presented the information regarding Mr. Rose to the Council. Jegeris said Rose needed to comply with the rules of the license and the law. Rose was arrested for a felony warrant. He continued with felony behavior and was not compliant with the court. Rose said he was taking steps to move forward and if council granted him the license, he had a job lined up with Rapid Taxi. Motion was made by Nordstrom, second by Laurenti, to deny appeal.

PUBLIC HEARING ITEMS – Items 35 – 50**CONSENT PUBLIC HEARING ITEMS** – Items 35 – 42**Alcohol Licenses**

35. Naja Shrine for a SPECIAL EVENT On-Sale Dealer License for an Event scheduled for March 2, 2019 at Naja Shrine, 4091 Sturgis Road
36. Working Against Violence Inc. for a SPECIAL EVENT Off-Sale Package Wine Dealer License for an Event scheduled for March 23, 2019 at Best Western Ramkota, 2111 N. LaCrosse Street
37. Western Dakota Tech Foundation for a SPECIAL EVENT On-Sale Malt Beverage Retailer and On-Sale Wine Retailer License for an Event scheduled for March 27, 2019 at Western Dakota Technical Institute Event Center, 800 Michelson Drive
38. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage Retailer and On-Sale Wine Retailer License for an Event scheduled for March 12, 2019 at Western Dakota Tech Event Center, 800 Michelson Drive
39. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage Retailer and On-Sale Wine Retailer License for an Event scheduled for March 21, 2019 at Liberty Superstores, 600 Cambell Street
40. Rapid City Chamber of Commerce for a SPECIAL EVENT Off-Sale Package Wine Dealer and Off-Sale Package Malt Beverage Dealer License for an Event scheduled for May 4, 2019 at Best Western Ramkota, 2111 N. LaCrosse Street
41. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage Retailer and On-Sale Wine Retailer License for an Event scheduled for May 14, 2019 at Mt. Rushmore Society, 830 Main Street
42. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage Retailer and On-Sale Wine Retailer License for an Event scheduled for June 11, 2019 at West River Electric Association, 3250 E Hwy 44

Motion was made by Laurenti, second by Drury and carried to approve Items 35-42.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS

Ordinance 6295 (18OA016) An Ordinance to Allow the Historic Sign Review Committee to Adopt Guidelines for Administrative Approval of Sign Permit Applications by Amending Subsection 17.50.080Q of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Laurenti that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6295 was declared duly passed upon its second reading.

Ordinance 6296 (18OA017) An Ordinance to Update and Clarify the Criteria and Procedure for Granting Variances to the Zoning Code by Amending Section 17.54.020 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Drury that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6296 was declared duly passed upon its second reading.

Ordinance 6297 (18OA018) An Ordinance to Amend the LDR-1 Zoning District to add Townhouses as a Conditional Use by Amending Section 17.10.030 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Salamun that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6297 was declared duly passed upon its second reading.

Ordinance 6298 (18OA019) An Ordinance to Revise the Conditional Uses in the Medium Residential Zoning District by Amending Section 17.12.030 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6298 was declared duly passed upon its second reading.

Ordinance 6299 (18OA020) An Ordinance to Amend Screening Requirements between Zoning Districts by Amending Sections 17.18.080, 17.20.080, 17.30.070, 17.32.070, 17.36.080 and 17.40.070 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Modrick that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6299 was declared duly passed upon its second reading.

Ordinance 6300 (18OA021) An Ordinance to Revise the Uses Permitted in the Light Industrial Zoning District by Amending Section 17.22.020 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Armstrong, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6300 was declared duly passed upon its second reading.

Ordinance 6301 (18OA022) An Ordinance to Allow a Car Wash as a Permitted Use in the General Commercial Zoning District by Amending Section 17.18.020 of the Rapid City Municipal Code having passed its reading on February 4, 2019 motion was made by Drew, second by Drury that the title be read the second time. Upon vote being taken, the following voted AYE: Salamun, Modrick, Drew, Nordstrom, Drury, Scott, Laurenti, Roberts and Armstrong; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6301 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - FEBRUARY 19, 2019

P/ROLL PERIOD END 02/02/19, PD 02/08/19	1,981,506.89
CDEV P/ROLL PERIOD END 02/02/19, PD 2/08/19	4,930.42
PIONEER BANK & TRUST, 02/02/19 P/ROLL TAXES, PD 02/08/19	448,834.44
CDEV PIONEER BANK & TRUST, 02/02/19 P/ROLL TAXES, PD 02/08/19	1,035.89

WELLMARK INC, HEALTH CLAIMS THROUGH 01/25/19, PD 01/31/19	69,184.73
WELLMARK INC, HEALTH CLAIMS THROUGH 02/01/19, PD 02/07/19	56,378.71
WELLMARK INC, HEALTH CLAIMS THROUGH 02/08/19, PD 02/14/19	91,934.26
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/04/19, PD 02/05/19	3,590.53
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/11/19, PD 02/12/19	9,947.25
SOUTH DAKOTA RETIREMENT SYSTEM, JAN19 RETIREMENT, PD 02/05/19	477,735.23
BERKLEY ASSIGNED RISK SERVICES, JAN19 CLAIMS, PD 02/06/19	61,499.38
BERKLEY ASSIGNED RISK SERVICES, ADD'L CLAIM, PD 02/08/19	13,932.03
1ST NATIONAL BANK IN SIOUX FALLS, 2010 CFC BOND PYMT, PD 02/06/19	32,166.67
1ST NATIONAL BANK IN SIOUX FALLS, 2011A AIRPORT BOND PYMT, PD 02/06/19	80,619.38
1ST NATIONAL BANK IN SIOUX FALLS, 2015 PARKING REV BOND PYMT, PD 02/06/19	15,183.33
1ST NATIONAL BANK IN SIOUX FALLS, 2018 SALES TAX REV BOND PYMT, PD 02/06/19	786,181.02
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 02/12/19	22,853.56
BLACK HILLS ENERGY, ELECTRICITY, PD 02/12/19	18,062.08
COMPUTER BILL LIST,	3,588,033.77
CDEV COMPUTER BILL LIST	1,821.92
SUBTOTAL	7,765,431.49
RSVP, P/ROLL PERIOD END 2/02/19, PD 2/08/19	1,432.80
RSVP, PIONEER BANK & TRUST, 02/02/19 P/ROLL TAXES, PD 02/08/19	410.35
RSVP, COMPUTER BILL LIST	17.42
TOTAL	7,767,292.06

Sumption presented the bill list of \$7,767,292.06. Motion was made by Salamun, second by Laurenti and carried to authorize (No. CC02192019-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Salamun, second by Drury and carried to adjourn the meeting at 9:58 p.m.

Dated this 19th day of February, 2019.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)