

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 4, 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, March 4, 2019, at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Division Fire Chief Medical Operations Jason Culberson, Public Works Director Dale Tech, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

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

NON-PUBLIC HEARING ITEMS -- Items 1 – 45

CONSENT ITEMS – Items 1 – 32

Motion was made by Scott, second by Armstrong to approve items 1-32 with the exception of items 10 and 18. Motion carried.

Approve Minutes

1. Approve Minutes for the February 19, 2019 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (March 18, 2019)

2. Main Street Square for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for events scheduled for May 4, 2019 and October 5, 2019 at Main Street Square, 512 Main Street

Public Works Committee Consent Items

3. PW022619-01: Approve Change Order 3F to Highmark Inc. for Omaha Trunk Sewer Project. Project 17-2423/CIP 50878.1 for a decrease of \$44,701.31.
4. PW022619-02: Purchase of two (2) 2019 Dodge Ram 1500 Crew Cab Pickups for Engineering at a state bid cost of \$27,052.00 each.
5. PW022619-03: Authorize Mayor and Finance Officer to Sign Resolution No. 2019-016 Construction Fee Resolution for Highpointe Ranch Water Main Oversize - Per Acre Fee, Project No. DEV16-1303.

Resolution # 2019-016

CONSTRUCTION FEE RESOLUTION FOR HIGHPOINTE RANCH WATER OVERSIZE PROJECT NO.
DEV16-1303

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, a 12" water main was extended in Wind River Road per City Project No. DEV16-1303; and

WHEREAS, the City's total oversize cost of constructing this water main was \$36,601.33; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 12" water main shown in City Project No. DEV16-1303.

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$627.92 per acre to connect to the City's water utility.

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund.

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$36,601.33 has been collected, or until all benefitting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 4th day of March, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 6. PW022619-04: Request for Advertising Authority for Current Model Year Tandem Dump Truck w/optional Plow, Side Wing and Sander.
- 7. PW022619-05: Authorize Staff to Advertise for Bids for 2019 Parks and Recreation Concrete Work, Project PR19-6168.
- 8. PW022619-06: Authorize Staff to Advertise for bids for BMX Track Bleachers Project PR19-6171.
- 9. PW022619-07: Approve Use Agreement Between City of Rapid City and BH Junior Baseball League for operation of a youth baseball program.
- 11. PW022619-09: Approve Use Agreement Between City of Rapid City and Canyon Lake Little League for operation of a youth baseball program.

- 12. PW022619-10: Approve Use Agreement Between City of Rapid City and Church Softball League for operation of an adult softball program.
- 13. PW022619-11: Approve Use Agreement Between City of Rapid City and Harney Little League for operation of a youth baseball program.
- 14. PW022619-12: Approve Use Agreement Between City of Rapid City and Rushmore Little League for operation of a youth baseball program.
- 15. PW022619-13: Approve Use Agreement Between City of Rapid City and Timberline Little League for operation of a youth baseball program.

Legal & Finance Committee Consent Items

- 16. LF022719-04 – Authorize the Mayor and Finance Officer to sign the 2019 Allied Arts Agreement
- 17. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Joshua Bonner (Police Department), Nick Pier (RSVP+)
- 19. LF022719-05 – Approve Resolution No. 2019-017 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-017
 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 4th day of March, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

- 20. 19TP010 – Approval of Amendment No. 1 to the Agreement for Professional Services Agreement between the City of Rapid City and Kadrmas, Lee & Jackson, Inc. for a No Cost Time Extension for the completion of the East Rapid City Traffic and Corridor Analysis Study
- 21. 19TP002 - Authorize Mayor and Finance Officer to sign the 2019 Unified Planning Work Program Funding Agreement #311373 Amendment No. 1
- 22. 19TP001 - Approve the 2019 Unified Planning Work Program Amendment #19-02

23. LF022719-06 – Approve with stipulations outlined by the Finance Officer. Patricia Snyder – Request to Waive Clean Up Assessment Fees at 708 Saint Patrick Street.

CIP Committee Consent Items

24. No. CIP021519-00 - Acknowledge Capital Improvement Programs Committee Monthly Updates for February 2019
25. No. CIP021519-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, CSAC, Summary)
26. No. CIP021519-04 – Approve Capital Plan for Fire Vehicles
27. No. CIP021519-05 – Approve Capital Plan for Parks & Recreation
28. No. CIP021519-06 – Approve Capital Plan for Information Technology
29. No. CIP021519-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
30. No. CIP021519-02 – Approve Capital Plan for PW Infrastructure (Formerly called Capital Plan for Streets, Drainage, MIP Projects).
31. No. CIP021519-07 – Approve CIP carry forward from 2018

Bid Award Consent Items

32. CC030419-04.1 – Approve award of total bid for Pavement Rehabilitation Project – W. Fulton Street, Project No. 18-2465 / CIP No. 50549 on February 26, 2019 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$113,938.00.

END OF CONSENT ITEMS

Mayor read in item (PW022619-08) Approve Use Agreement Between City of Rapid City and Rapid City BMX, Inc. for operation of a youth biking program. Motion was made by Nordstrom, second by Modrick to approve. In response to a question from Nordstrom, Biegler explained the background on the land water conservation fund. This is a fund grant program that is administered from the State Department of Game Fish and Parks. Rapid City has received funding 35 different times since the first LWCF grant was received in 1965. One of the conditions of receiving these funds are that the facility for which the funds are received the entire facility is encumbered with certain restrictions and one restriction is that the facility must remain available for public outdoor recreation. The Park Department has been in contact with the State Game Fish and Parks and have been working with them for the last few years and identifying those areas that are out of compliance currently with LWCF guidelines. One of the remedies was to redo some of the lease agreements for these facilities that are taking place on fields that are encumbered with land water conservation funds. This would take them from a lease agreement to a use agreement. In response to a question from Drew, Biegler said if public use would create damaging conditions to the facility, then they would not open the facility. Biegler said there is a lot of time and effort put into maintaining the track. Drew suggested putting up signage during times it should not be used. Lewis said damage can be caused when the facility is not used correctly or used during bad weather. He encouraged people to use the track correctly. Motion carried.

Mayor read in item (LF022719-03) Acknowledge January 2019 General Fund Cash Balance Report. Motion was made by Scott, second by Drew to Acknowledge. Scott asked Sumption why there was no designated cash in January. Sumption said when they approved the budget they did not include any undesignated cash to help fund that budget. She stated there will be some carryover items and there have been times when the council has supplemented the budget and there might be a grant as a funding source and so they're not all funded from undesignated cash but any of the carryover is typically are. Scott said as of January, based on the reserve structure, the city is already into the reserves and so the cash balance is over one million dollars short as of the end of January and now it's the end of February. Scott asked about the \$149,000. Sumption said it would show up once the ordinance is effective. In response to a question from Nordstrom, Sumption said the city does typically have a lot of expenditures in January like insurance. Sumption said they had previously talked about a reserve policy, not only what

the reserves should be but how we should build it back up should the city dip into those reserves and that's something they should bring forward again. Motion carried.

Mayor indicated that Brad Lee was not there for public comment on item (PW022619-09) but wanted to give him a chance to speak. Lee said he is the Vice President to Canyon Lake Little League. He objects to the proposed use agreement. He said they object to section five of the proposed use agreement. He said it states that other people can use their field during the priority use season. They already have 40 teams to schedule practices and games with only 7 fields. This year Canyon Lake is in charge of major tournaments. He said there will be problems with mandating these rules. He thinks there will end up being confrontation. The other groups aren't invested in their fields. What incentive do the other users have to fix it if something happens. Are these other teams allowed to use structure, concession stand, bathrooms, and the batting shed. Will the league need to provide keys or make extra people available. If something is broken, will that automatically be put on the little league. Who will be in charge of electricity, when Canyon Lake has to pay for it. He asked that the use agreement exclude Collins field from the requirements. They would like their designation period for fall ball to be from August 1 to end of October. Lewis said this isn't something the city came up. Federal funds mandate these facilities be opened. CLLL isn't the only facility being used in the city. Lewis said it probably won't be the problem you think. Laurenti said the City is willing to talk to you if you have concerns. Drew asked Landeen, is Post 22 under the same arrangements. Lee doesn't know all the parcels included. He asked how much wiggle room each league has. Landeen said if groups aren't willing to sign these, they might be bringing them back to council.

NON-CONSENT ITEMS – Items 33 – 45

Tusweca Mendoza addressed the council and said he was against the panhandling ordinance. He said it was dehumanizing. He doesn't want people to suffer anymore. He said his people don't have a voice. Karissa Loewen said she asked a council representative for data on previous ordinance. She asked who is being targeted in this ordinance. She said she read of people who can't afford fines won't be charged them. She wants to see that in writing. She asked how jail time is going to solve behavior issues. She said businesses are concerned and people are uncomfortable, but this ordinance won't solve anything. She asked council to delay a vote on this to consider what it actually says. Ramona Herrington said these people are homeless, they are houseless. She stated aggressive begging laws are freedom of speech. She said the ordinance should have been discussed with the Native community. She feels the city is more concerned for tourist than their Native citizens. Chante Heart stated citizens are not homeless, this is their homeland. Chante Lame feels the police are targeting Native Americans with the panhandling ordinance. She said jail time is not the answer. They want to succeed in this world. She said the police have stopped her for no reason. She doesn't feel they get treated fairly. Natalie Stites Means stated the ordinance was blatantly racist against Native Americans. Panhandling should not be shot down because of free speech. She went online and said downtown reviews were less than 10% negative. She said there are no homeless advocates helping. Tonia Stands stated she has been homeless in Rapid City. She feels she was targeted. She did everything to prevent homelessness. She said the city wants the homeless to stay away from downtown but there are homeless facilities all around the downtown area. She said this is a homeless area. She feels the police don't listen. She doesn't believe this ordinance is the way to handle things. Julie Santella read from the Seattle Law Review. She said there is potential for bias. She feels that law enforcement criminalize people experiencing homelessness. She is concerned with the vague language. She thinks jail time and a fine of \$500 is extremely higher than before. She said more conversations needs to take place. Chase Iron Eyes explained how the Native American people came to Rapid City and they were pushed into Lakota homes. When they were forced into the Sioux Addition, there was no water given to them. He said homelessness is a function of poverty. He stated that 12% of Rapid City is Native American and a majority of the jail population is Native. Curt Small, owns The Elks Movie Theatre for 25 years, thanked the Rapid City Police Department for their help downtown. He also thanked council for their efforts toward homelessness. He is in support of the ordinance. In every paragraph he could site different examples of scenarios that have happened downtown. He said this ordinance targets threatening behavior and nothing else. Dan Tribby,

general manager of Prairie Edge, has been working 22 years downtown. He is really proud of where things are at today. He said Native Americans are working hard and owning businesses. He is concerned for his employees because they live in this environment. He has Native and Non-Native employees. Native employees have worked hard to improve their lives. They have a past history of negative stereotypes. They are trying so hard to make things better. He is in favor of the ordinance.

Ordinances

Mayor read in item (LF021319-01) Second Reading, Ordinance 6303, 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. Motion was made by Modrick, second by Nordstrom to approve. She said that hearts are broken and in trouble. She stated if behavior is aggressive than the freedom is not protected. When negative behavior crosses a line, then there needs to be order. She stated the Mayor and police officers are working hard to create an environment where someone can go to be safe. There has to be order in our community. Armstrong thanked everyone for their input. She does not believe this ordinance is biased. She asked Chief Jegeris to speak on this ordinance. Jegeris said that it was asserted that many homeless are invisible and he doesn't believe that is true. The police department is out there 24-hours per day. The quality of life in Rapid City has to be lead by example. He has met with many Lakota leaders. No one wants to enable a dangerous lifestyle. He stated that they are doing everything they can with the care campus. The past ordinance needs to be repealed. He does encourage respectful dialogue. Lewis does not believe the police want to arrest people. The population needs to stay safe. Body cameras have done a good job of documenting behaviors in case of arrest. This council has done it's best to care for the homeless. In response to a question from Drew, Landeen said there have been other communities who have repealed this ordinance as well. After researching the law, this ordinance is constitutionally viable. Drew stated she promised to listen to the Native American community at any time. Salamun the city is doing their best to help the homeless. In response to a question from Salamun, Jegeris said when intoxication levels get higher, more than likely the money will go to alcohol. If people need food, there are social service organizations they can go to. Salamun told the Native American community that they were heard but the vote might not go their way. He said the ordinance goes after behavior and is not biased toward any protected class. He stated there are deeper issues here than whether this ordinance should be in place. He believes the council is a caring group of people who took office to help the people of Rapid City. His hope is to live in harmony and work to make Rapid City the best place possible to live. Motion carried.

Mayor read in item (LF022719-01) First Reading, Ordinance 6308, An Ordinance to Amend Chapter 13.32 of the Rapid City Municipal Code Relating to City Cemeteries. Motion was made by Nordstrom, second by Drury and carried that Ordinance 6308 be placed upon its first reading and the title was fully and distinctly read.

Mayor read in item (LF022719-02) First Reading, Ordinance 6312, Regarding Supplemental Appropriation #1 for 2019. Motion was made by Drew, second by Modrick and carried that Ordinance 6312 be placed upon its first reading and the title was fully and distinctly read.

Mayor read in item (No. 19RZ001) First Reading, Ordinance 6304, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by ARC International, Inc. for Yeshua, LLC for a Rezoning from Medium Density Residential District to Office Commercial District for property generally described as being located at 3808 Sheridan Lake Road. Motion was made by Drury, second by Roberts and carried that Ordinance 6304 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 18, 2019.

Mayor read in item (No. 19RZ002) First Reading, Ordinance 6305, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for Sharaf 5 Properties, LLC for a Rezoning from High Density Residential District to Urban Commercial District for property generally described as being located at 12 E. Kansas City Street. Motion was made

by Salamun, second by Modrick and carried that Ordinance 6305 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 18, 2019.

Mayor read in item (No. 19RZ003) First Reading, Ordinance 6306, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for Sharaf 5 Properties, LLC for a Rezoning from General Commercial District to Urban Commercial District for property generally described as being located at 12 E. Kansas City Street. Motion was made by Drew, second by Nordstrom and carried that Ordinance 6306 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 18, 2019.

Mayor read in item (No. 19RZ004) First Reading, Ordinance 6307, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Yasmeen Dream, LLC for a Rezoning from General Commercial District to Medium Density Residential District for property generally described as being located east of Provider Boulevard. Motion was made by Drew, second by Nordstrom and carried that Ordinance 6307 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 18, 2019 to approve in conjunction with Planned Development 19PD005 which was approved with stipulations at the February 21, 2019 Planning Commission meeting.

Community Development Items

Mayor read in item (No. 19PL002) A request by D. C. Scott Surveyors, Inc for Robert T. Sundby for a Preliminary Subdivision Plan for proposed Lot 12A and Lot 12B of Una-Del Acres No. 2, generally described as being located southwest of the intersection of Sheridan Lake Road and Wildwood Drive. Motion was made by Laurenti, second by Drury and carried to approve with the following stipulations: 1. Upon submittal of a Final Plat application, an approved cost estimate and surety for the installation of sidewalk along proposed Lot 12B and for the removal of the driveway adjacent to proposed Lot 12B shall be submitted; 2. Prior to submittal of a Final Plat application, the existing on-site wastewater system shall be abandoned and the existing residence shall be connected to City sewer; and, 3. Prior to submittal of a Final Plat application, the plat document shall be revised to show access and drainage easements on proposed Lot 12A as proposed.

Mayor read in item (No. 19PL004) A request by KTM Design Solutions, Inc for Yasmeen Dream LLC for a Preliminary Subdivision Plan for proposed Lot 1 and Lot 2 of Orchard Meadows No.2, generally described as being located southeast of the intersection of Elk Vale Road and E. Highway 44. Motion was made by Modrick, second by Nordstrom and carried to approve with the following stipulations: 1. 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. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 2. Upon submittal of a Development Engineering Plan application, construction plans for the Jaffa Garden Way cul-de-sac bulb shall be submitted for review and approval showing the dedication of a minimum 118-foot diameter right-of-way and the construction of a minimum 96-foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for the Jim Street cul-de-sac bulb shall be submitted for review and approval showing the dedication of a minimum 118-foot diameter right-of-way and the construction of a minimum 96-foot diameter paved surface or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show access to Lot 2 of Tract A. In addition, construction plans shall be submitted showing the access located within a minimum 50-foot wide easement and constructed with a

minimum 20-foot wide paved surface, curb, gutter sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the installation of curb, gutter, street light conduit, sewer and water or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Elk Vale Road 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; 6. Prior to approval of a Development Engineering Plan application, the lift station construction plans currently being reviewed by Rapid Valley Sanitary District shall be finalized. In addition, utility easement(s) shall be secured as needed; 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 if subdivision improvements are required; 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, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 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.

Mayor read in item (No. 19PL005) A request by KTM Design Solutions, Inc for DTH, LLC for a Preliminary Subdivision Plan for proposed Lots 2 thru 13 and drainage lot of Block 9 and Lots 2 thru 14 of Block 10 of Big Sky Subdivision, generally described as being located west of the intersection of Degeest Drive and Avenue A. Motion was made by Drew, second by Roberts 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. The redlined comments shall be returned to Engineering Services. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application. The redlined comments shall be returned to the Engineering Division; 2. Upon submittal of a Development Engineering Plan application, construction plans for Avenue A 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 or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Avenue A 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 Sweetbriar Street 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 approximately 130-feet of sewer from proposed Avenue A to the northern boundary of the property or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Sweetbriar Street 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, the Rapid City Municipal Code and Rapid Valley Sanitary District requirements. A water master plan, or excerpts from the water master plan, for the entire development shall be submitted for review and approval to show how the water system will be addressed to serve 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, the Rapid City Municipal Code and Rapid Valley Sanitary District requirements. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. A sewer master plan, or excerpts from the sewer master plan, for the entire development shall be submitted for review and approval showing how the sewer system will be addressed to serve the proposed development. Utility easements shall also be secured as needed; 6. 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; 7. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the Infrastructure Design Criteria Manual and the Race Track 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. A drainage master plan, or excerpts from the drainage master plan, for the entire development shall be submitted for review and approval to show how the drainage system will be addressed to serve the proposed development. In addition, drainage easements shall be secured as needed; 8. 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; 9. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 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.

Mayor read in item (No. 19PL006) A request by Sperlich Consulting, Inc for Sodak Development Company for a Preliminary Subdivision Plan for proposed Lots 9 thru 19 of Block 4, Lots 11 thru 17 of Block 5, Lot 8 of Block 9, Lots 7 thru 21 of Block 10 and Lots 1 thru 7 of Block 11 of Homestead Subdivision, generally described as being located east of the existing terminus of Homestead Street. Motion was made by Drury, second by Laurenti and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and with an additional 10-feet of right-of-way the first 200 feet as the street extends west from Reservoir Road, and constructed with a minimum 34-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 Homestead Street 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, construction plans for Reservoir Road shall be submitted for review and approval showing the dedication of 83 feet of right-of-way (66-foot wide section line highway and 17 additional feet dedicated from the subject property) and the construction of a minimum 36-foot wide paved surface, curb, gutter, street light conduit, sewer and water mains or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk 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 Braelynn Lane 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 or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Braelynn Lane 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 Jones Drive shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed with a minimum 24-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 Jones 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; 5. Upon submittal of a Development Engineering Plan application, construction plans for Shape Court shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed with a minimum 24-foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained. In addition, the cul-de-sac bulb shall be located within 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 Shape 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; 6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual, the Rapid City Municipal Code and Rapid Valley Sanitary District requirements. The water plans shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows and provide sufficient system capacity. In addition, utility easements shall be secured as needed; 7. 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, the Rapid City Municipal Code and Rapid Valley Sanitary District requirements. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall also be secured as needed; 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 and the County Heights 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. 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. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lot 17, Block 5 with a minimum lot size of 6,500 square feet or a Variance from the Zoning Board of Adjustment shall be obtained; 12. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 13. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 14. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing

ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 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.

Mayor read in item (No. 19PL007) A request by Sperlich Consulting, Inc. for Doeck, LLC for a Preliminary Subdivision Plan for proposed Tract A, Lots 22 thru 40 of Block 4, Lot 2 and Lot 3 of Block 11 and Lots 1 thru 14 of Block 15 of Auburn Hills Subdivision, generally described as being located north of the intersection of Cobalt Drive and Coal Bank Drive. Motion was made by Laurenti, second by Nordstrom and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, all redlined comments shall be addressed. All redlined comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Misty Woods Lane and Coal Bank Court shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, street light conduit, water and sewer or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk 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, water plans and analysis shall be submitted for review and approval demonstrating that the water service to the proposed development is adequate to meet domestic flows and fire flow. Additionally, pressure reducing valves shall be provided for all water services within the development. Construction plans shall be in conformance with Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, utility easements shall be provided as necessary; 4. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval demonstrating that sewer service to the proposed development is adequate to meet domestic flows. Construction plans shall be in conformance with Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, utility easements shall be provided as necessary; 5. Upon submittal of a Development engineering Plan application, a drainage plan and report shall be submitted for review and approval demonstrating adequate on-site stormwater detention and storm water quality management in conformance with the Infrastructure Design Criteria Manual. In addition, drainage easements shall be provided as necessary; 6. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 7. Prior to approval of a Development Engineering Plan application, submitted engineering reports required for construction shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to identify "Coal Bank Drive" as "Coal Bank Court" north of the intersection of Coal Bank Drive and Cobalt Drive; 10. Prior to submittal of a Final Plat application, the plat document shall be revised to identify "Misty Woods Drive" as "Misty Woods Lane"; 11. Prior to submittal of a Final Plat application, the plat document shall identify the recording information for the previously vacated Section Line Highway; 12. Prior to approval of a Final Plat application, the portion of the subject property currently zoned General Agricultural District shall be rezoned to Medium Density Residential District; 13. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage elements; 14. Upon submittal of a Final Plat application, the plat document shall show all easements as necessary, including drainage easements and utility easements; 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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s); 17. 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.

Mayor read in item (No. 19PL008) A request by KTM Design Solutions, Inc. for Yasmeen Dream, LLC for a Preliminary Subdivision Plan for proposed Lot 57 of Block 2, Lot E Revised, Lot F Revised and Tract B Revised of Johnson Ranch Subdivision, generally described as being located east of Provider Boulevard. 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 Elk Vale Road shall be submitted for review and approval showing the installation of curb, gutter, street light conduit, sewer and water or an Exception shall be obtained. In addition, the construction plans shall show the construction of a sidewalk along Elk Vale Road 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; and, 2. Prior to issuance of a Building Permit, a Final Plat application shall be submitted for review and approval.

PUBLIC HEARING ITEMS – Items 46 – 48

CONSENT PUBLIC HEARING ITEMS – Item 46

Alcohol Licenses

46. 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

Motion was made by Lewis, second by Scott and carried to approve Item 46.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 47 – 48

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 having passed its first reading on February 19, 2019 motion was made by Salamun, second by Laurenti that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Roberts and Drury. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6287 was declared duly passed upon its second reading.

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 having passed its first reading on February 19, 2019 motion was made by Laurenti, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Roberts and Drury. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6288 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - MARCH 4, 2019

P/ROLL PERIOD END 02/16/19, PD 02/22/19	1,844,719.90
SUPP P/ROLL PERIOD END 02/16/19, PD 02/25/19	527.35
CDEV P/ROLL PERIOD END 02/16/19, PD 2/22/19	4,377.77
PIONEER BANK & TRUST, 02/16/19 P/ROLL TAXES, PD 02/22/19	483,485.31
PIONEER BANK & TRUST, SUPP 02/16/19 P/ROLL TAXES, PD 02/25/19	71.99
CDEV PIONEER BANK & TRUST, 02/16/19 P/ROLL TAXES, PD 02/22/19	981.35
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN19 SALES TAX PAYABLE PD 02/14/19	35,931.07
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN19 EXCISE TAX PAYABLE PD 02/14/19	192.98
SOUTH DAKOTA DEPARTMENT OF REV JAN19 CCTR SALES TAX PAYABLE PD 02/14/19	36,279.75
WELLMARK INC, HEALTH CLAIMS THROUGH 02/15/19, PD 02/21/19	60,953.98
WELLMARK INC, HEALTH CLAIMS THROUGH 02/22/19, PD 02/28/19	79,185.42
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/18/19, PD 02/19/19	5,347.90
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/25/19, PD 02/26/19	7,757.28
BANK WEST, TID47 TOWER RD, PD 02/21/19	6,610.47
BANK WEST, TID54 RAINBOW RIDGE, PD 02/21/19	11,255.98
BANK WEST, TID56 RUSHMORE CROSSING, PD 02/21/19	101,746.77
BANK WEST, TID65 MINNESOTA ST, PD 02/21/19	12,021.09
BANK WEST, TID69 NORTH FIRE STATION, PD 02/21/19	291.28
BANK WEST, TID70 CATRON BLVD, PD 02/21/19	70,851.69
CITY OF RAPID CITY, TID39 ANAMOSAR GROUP LLC, PD 02/21/19	5,717.14
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 02/21/19	21,883.17
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 02/21/19	19,380.34
CITY OF RAPID CITY, TID64 CABELA'S, PD 02/21/19	7,810.55
FIRST INTERSTATE BANK, TID39 ANAMOSAR GROUP LLC, PD 02/21/19	5,717.15
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 02/21/19	15,593.11
SODAK DEVELOPMENT, TID68 HOMESTEAD, PD 02/21/19	4,619.29
BLACK HILLS ENERGY ELECTRICITY, PD 02/25/19	106,922.35
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 02/25/19	50,453.17
COMPUTER BILL LIST	2,106,737.27
CDEV COMPUTER BILL LIST	1,104.42
SUBTOTAL	5,108,527.29
RSVP, P/ROLL PERIOD END 2/16/19, PD 2/22/19	1,432.80
RSVP, PIONEER BANK & TRUST, 02/16/19 P/ROLL TAXES, PD 02/22/19	414.24
RSVP, COMPUTER BILL LIST	17.38
TOTAL	5,110,391.71

Sumption presented the bill list of \$5,110,391.71. Motion was made by Laurenti, second by Salamun and carried to authorize (No. CC030419-01) 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 Scott, second by Drury and carried to adjourn the meeting at 8:11 p.m.

Dated this 4th day of March, 2019.

CITY OF RAPID CITY

ATTEST:

Finance Officer

(SEAL)

Mayor