

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 15, 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, April 15, 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, Laura Armstrong, Chad Lewis, and John Roberts; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts and Laura Armstrong

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, Parks and Recreation Director Jeff Biegler, and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

Mayor asked that item 2A be added to the agenda as a presentation from the Military Order of the Purple Heart to the City of Rapid City. Motion was made by Salamun, second by Drury and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

Mayor read in the Proclamation for Telecommunicators. All emergency personnel were recognized and thanked for all that they do 24/7, 365 days per year. Their job is very important and appreciated.

There was an Award Presentation from Sherry Thurston and the Sustainability Committee to Dr. Kelsey Murray and Brian Mitchell of Western Dakota Tech on their ATTUNED project. It focuses on integrating sustainability concepts into Western Dakota Tech's program curriculum. The centerpiece of the project is developing aquaponics systems with forward-thinking electrical control and environmental monitoring systems, which are designed to produce organic, healthy food while remaining carbon neutral. They were recognized for their efforts in sustainability.

Commander Kenneth Teunissen of the Military Order of the Purple Heart, Department of the Dakotas, Chapter 5355 presented Mayor Allender and City Council with the Purple Heart City sign. This symbolizes Rapid City as a Purple Heart City and recognizes the community for its support of veterans.

GENERAL PUBLIC COMMENT

Gene Tyon spoke to the Council regarding community development block grant reconsideration. He spoke on behalf of Oaye Luta which is a substance abuse recovery program. The program reconnects values and ancestral values. It instills Native American values. It addresses issues of alcohol and drug abuse; the homeless; and detox. He would like the city to reconsider funding request.

Darla Drew spoke on the behalf of Readiatrics, book drive program. She founded this cause because some families can't afford books. She encouraged people to find used books a good home. They have been doing this for 20 years. There have been over 160,000 books that have gone back into the community. The drop-off points are open until May 6.

NON-PUBLIC HEARING ITEMS -- Items 3 – 44

CONSENT ITEMS – Items 3 – 38

The following were removed from the Consent Items:

13. PW040919-04: Approve contract extension on contract awarded May 2017 to Simon (Hills Materials) for the purchase of Hot Mix Asphalt for use by various City departments.
22. LF041019-06 – Approve the Authorization of the Mayor and Human Resources Department to Create a Facilities Manager Position for CSAC.
27. LF041019-10 – Authorize the Mayor and Finance Officer to sign loan documentation with Black Hills Community Bank for Parks Division Equipment in the amount of \$145,000.00.
32. LF041019-01 – Acknowledge the Property Tax Process Presented by Shannon Rittberger, Pennington County Equalization – Amanda Scott.

Motion was made by Scott, second by Lewis and carried to approve items 3-38 with the exception of items 13, 22, 27 and 32.

Approve Minutes

3. Approve Minutes for the April 1, 2019 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (May 6, 2019)

4. Rushmore German Club for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for an event scheduled for August 15-25, 2019 at the Central States Fair, 800 San Francisco Street
5. Knights of Columbus for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for events scheduled for June 8, 2019 and July 19, 2019 at Blessed Sacrament Church, 4500 Jackson Blvd
6. Firehouse Brewing Co. for a SPECIAL EVENT On-Sale Dealer license for an event scheduled for May 13, 2019 at Prairie Edge, 606 Main Street
7. NAJA Shrine for a SPECIAL EVENT On-Sale Dealer license for an event scheduled for June 1, 2019 at Rapid City Shrine Center, 4091 Sturgis Road
8. The Gyro Hub LLC DBA The Gyro Hub, 1301 W Omaha Street Suite 104 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license
9. DNJ LLC for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for an event scheduled for May 9, 2019 at the Rushmore Mall, 2200 N Maple, fenced area near Rue 21

Public Works Committee Consent Items

10. PW040919-01: Approve Change Order #4F to Western Construction, Inc. for Catron Boulevard Widening Project, Project# 16-2343/CIP 51115 for a decrease of \$56,547.90
11. PW040919-02: Authorize Staff to Seek Proposals for Engineering Services for 12th Street Reconstruction - West Main Street to Fulton Street, Project No. 19-2499 / CIP 50927.
12. PW040919-03: Approve contract extension on contract awarded May 2017 to Simon (Hills Materials) for the purchase of Limestone Gravel for use by various City departments.
14. PW040919-05: Authorize Mayor and Finance Officer to sign Amendment No. 1 to Bartlett and West for Northridge Booster Pump Station and Stoney Creek Booster Pump Station Improvements, Project No. 14-2178/CIP No. 50812.CD , in the amount of \$12,242.00.
15. PW040919-06: Authorize Mayor and Finance Officer to sign Amendment No. 3 to Banner Associates for East Rapid City Water Expansion, Project No. 13-2107/CIP No. 50964, in the amount of \$142,412.50.
16. PW040919-07: Authorize Mayor and Finance Officer to sign Covenant Agreement to permit a retaining wall to encroach into the adjacent public Right--of-Way.
17. PW040919-08: Approve Request for abatement of 2019 Stormwater Drainage Utility Fee for SD Conf. Assn of 7th Day Adventist, for property located at 305 N 39th Street Tax ID 32011, in the amount of \$985.63

- 18. PW040919-09: Approve Request for abatement of the 2019 Stormwater Drainage Utility Fee for Sylvia Conrad, for property located in N1/2 SW1/4 NE1/4 Section 8 T1N R8E Tax ID 37909, in the amount of \$87.08
- 19. PW040919-10: Approve Advertising Authority for Purchase of One (1) Current Model Year Vacuum Street Sweeper. Estimated cost: \$267,000.00.
- 20. PW040919-11: Authorize staff to advertise for Bids for Cationic Polymer - Coagulant for the Jackson Springs Water Treatment Plant. Estimated Cost: \$18,000
- 21. PW040919-12: Authorize Staff to Advertise for Bids for Concrete Replacement as a result of main break repairs. Estimated Cost: \$150,000

Legal & Finance Committee Consent Items

- 23. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Susan Bass (RSVP+), Sam Bockover (Library), Theresa Stelzle (Library), Matthew VanVugt (Library)
- 24. LF041019-07 – Approve Resolution 2019-026 a Resolution Declaring Miscellaneous Property Surplus to be traded

Resolution #2019-026
 RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS, the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including release to insurance company due to total loss:

From: PARKS 201
 For Deletion:
 2004 48” WALKER BAGGER MOWER
 Serial # 70991

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 15th day of April, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

- 25. LF041019-08 – Approve Resolution No. 2019-027 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-027
 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 15th day of April, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Pauline Sumption
 Finance Officer

26. LF041019-09 – Acknowledge February 2019 Sales Tax Report
28. LF041019-02 – Authorize Staff to Apply and Accept if awarded the LEPC (Local Emergency Planning Committee) Grant for the Amount of \$826.00. Funding is for Carbon Mitts and Wipes, for Decontamination (\$331.00) and Hazardous Material ID PEAC Software (\$495.00).
29. LF041019-03 – Approve Final FY2018 Community Development Block Grant (CDBG) Recommendation of Fund Reallocation
30. LF041019-04 – Approve Final FY2019 Community Development Block Grant (CDBG) Recommendation of Funds Allocation
31. LF041019-05 – Authorize the Mayor and Finance Officer to sign the FY2019 Community Development Block Grant Contract and the Indenture of Restrictive Covenants with Black Hills Works

Community Development Consent Items

33. This item has been moved to Non-Consent Public Hearing Items #51A.

Bid Award Consent Items

34. CC041519-04.1 – Bid Award Recommendation for Cationic Polymer – Coagulant for the Mountain View Water Treatment Plant to Hawkins for the low bid of \$0.8934 per pound for a total estimated extended price of \$27,606.06.
35. CC041519-04.2 – Bid Award Recommendation for Cationic Sludge Polymer for Water Reclamation Polydyne Inc. for the low bid of \$1.28/lb with an estimated extended price of \$76,800.00
36. CC041519-04.3 – Bid Award Recommendation for Current Model Year Tandem Dump Truck w/optional Plow, Side Wing and Sander for use by Street Department, to low bidder of Eddie's Truck Center in the amount of \$196,574.00.
37. CC041519-04.4 – Approve award of total bid for 2019 Lane Line Painting, Project No. 19-2496 / CIP No. 50594 opened on 04/09/2019 to the lowest responsible bidder, Dakota Barricade, LLC in the amount of \$113,600.00.
38. CC041519-04.5 – Approve award of Total Base Bid for Fire Suppression Halley, Dinosaur, Meadowbrook & Executive, Project No. PR19-6167 opened on April 9, 2019 to the lowest responsible bidder, Western States Fire Protection Co. in the amount of \$162,920.00.

END OF CONSENT ITEMS

Mayor read in item (PW040919-04) Approve contract extension on contract awarded May 2017 to Simon (Hills Materials) for the purchase of Hot Mix Asphalt for use by various City departments. Motion was made by Nordstrom, second by Laurenti to approve. Nordstrom stated there have been many calls about potholes and encourages citizens to call the pothole hotline. In response to a question from Drew, Tech said the city does have potholes to fix but rely on the public to call as well. Motion carried.

Mayor read in item (LF041019-06) Approve the Authorization of the Mayor and Human Resources Department to Create a Facilities Manager Position for CSAC. Motion was made by Nordstrom, second by Drury to approve. Nordstrom said this position will start off under the Mayor's office. Nordstrom is in favor of the position. Stroot said the school office are scheduled to be out by July 1. After that date, the city will be responsible for maintaining the building. In response to a question from Salamun, Mayor said the vision is to look at a cycle of keeping up maintenance. The immediate need is with the CSAC building. This employee will be part of the planning process. They will be in charge of museums, senior centers, maintenance, long-term viability and decision making. He said the position will be temporarily housed in the Mayor's Office until they find a fit. In response to a question from Scott, Stroot said it was his understanding that this position will increase the FTE but won't be using additional funds. The budget analyst position was not filled after it was vacated. This position will take off extra duties from currently employed staff. They are not 100% sure how the position will work until it's tried out. Motion carried.

Mayor read in item (LF041019-10) Authorize the Mayor and Finance Officer to sign loan documentation with Black Hills Community Bank for Parks Division Equipment in the amount of \$145,000.00. Motion was made by Scott, second by Nordstrom to approve. In response to a question from Scott, Biegler said they have done larger equipment in the past through loans. He said these payments are in his budget. Motion carried.

Mayor read in item (LF041019-01) – Acknowledge the Property Tax Process Presented by Shannon Rittberger, Pennington County Equalization – Amanda Scott. Motion was made by Scott, second by Laurenti to acknowledge. Scott thanked Rittberger for the presentation. She said the presentation was for all tax payers and can be viewed online from the April 10, 2019 Legal and Finance meeting. He explained how property taxes are generated starting with the assessed value. She said some people confuse taxes with assessed value. She said it can be a complicated process but the more information the public is given, the better they will understand. Motion carried.

NON-CONSENT ITEMS – Items 39 - 44

Curt Small, owner of the Elks Theatre, spoke on items 31 and 32. He does not want to see the three hour limits go back to two hours. He thinks 2 hours is not enough time to park for downtown customers. He thinks the city is focused on punishing employees instead of doing what's right for the customers that come downtown. Outside the core area, customers have limited options. He has knowledge of what the city is trying to do. He stated that a \$25 parking ticket for a visitor who didn't understand how to use the mobile application is steep. The high ticket amount is a deterrent for visitors. It's a grim message for people downtown.

Talbot Wiczorek, downtown business owner, Gunderson Palmer Nelson & Ashmore; spoke regarding items 31 and 32. He has also served on the parking enforcement task force. He stated the end goal for parking is to try and get the highest desired parking spaces have turnover. A lot of people still move their car around. He said the ordinance needs more tweaking. He would like to see long-term parking on side streets. Rapid City is a different place than ten years ago.

Erin Krueger, owner 5th and main furniture by Freeds, stated her business occupies one of the busiest corners in Rapid City. They need their spots in front of their store for their customers. Their customers

won't pay \$1.00 an hour for parking. They don't want their spots taken away from their customers. Given the current options, they would opt for meters on Saturday.

Ordinances

Ordinance 6320 (PW032619-17) An Ordinance to Amend Section 8.08.090 of the Rapid City Municipal Code to Prohibit Unlawful Deposits of Refuse at City-Designated Drop-Off Sites. Having passed its first reading on April 1, 2019 motion was made by Scott, second by Drew that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Modrick, Nordstrom, Drew, Scott, Drury, Laurenti and Lewis. NO: None, whereupon the Mayor declared the motion passed and Ordinance 6320 was declared duly passed upon its second reading.

Ordinance 6319 (No. 19RZ008) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Sperlich Consulting, Inc. for West View LandCompany, LLC for a Rezoning Request from General Commercial District to Light Industrial District for property generally described as being located at 2000 Deadwood Avenue. Motion was made by Drew, second by Lewis and carried that Ordinance 6319 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 6, 2019.

Ordinance 6321 (LF032719-09) An Ordinance Allowing the Installation of Parking Meters and Revising the Existing Time Zones in Downtown Rapid City by Amending Chapter 10.44 of the Rapid City Municipal Code (RCMC). Motion was made by Drury, second by Laurenti to approve. Salamun stated he appreciates the efforts put into this ordinance. He would like to find common ground and make some compromises with the ordinance. He likes the idea of the meter placement. He suggested the city keeps the 3-hour parking limit. He also thinks the fee of \$25 is too much, would like to see that go to \$15. He wants to see half a city-block allow for permits and the other half open to allow for fluidity. He said the goal is not just to grow revenue but encourage business growth. Substitute motion made by Modrick, second by Salamun, to keep 3-hour non-metered parking, reducing the fine from \$25 to \$15 and keeping employees two blocks off the core. Lewis called point of order. Hanzel said the ordinance is separate from the items being discussed for change. She said the ordinance doesn't set the time zones or fees. Mayor ruled the substitute motion to be out of order. Hanzel said if the council is comfortable with suggestions, there is room for compromise. She would take suggestions to the parking advisory board. Laurenti said he appreciated the point of order. He doesn't think the council should craft the ordinance, the suggestions can go to the advisory board, but they should be the ones vetting the process. He said this is just to get the framework in place. Nyberg said the current ordinance lists every block and every fee, this new ordinance takes those elements out. There will be a separate resolution setting the fees. Nyberg urged council to approve the first reading. In response to a question from Scott, Hanzel said it's better to remove specific criteria out of the ordinance and refer changes to the committee for faster action. She thinks 3-hour parking is too easy for employees to abuse on-street parking. She asked if any other businesses want the 3-hour limit besides the Elks Theatre. Hanzel said the parking fees and fines will come back on the next fee resolution. She said they are trying to take a light touch with the permit parking program. There are 34 zones. Lewis agrees with leaving 3-hour parking and says \$25 fine is too much, although he said the council shouldn't get to set these parameters. In response to a question from Nordstrom, Hanzel said the hours and fees are not ordained in the ordinance. They need to see the program working for a while to understand supply and demand. Drury thanked Hanzel for all her work on this project. She said Hanzel has been the face leading the study while gathering data and holding public meetings. Drury said that \$10 is not a deterrent for people getting fines. She thinks it needs to be more than that. Drew said there have been different parking committees for decades. She said this committee has come a long way with modernizing the way we do parking. A lot of people use phone apps and this is a great attribute. She respects the work being done and appreciates the future forward thinking. Modrick said the council needs to listen to businesses as well as customers regarding suggestions. She appreciates the study but thinks the council still needs to do what's best for the city. In response to a question from Modrick, Hanzel said the public will get information a month before the install happens. She will be happy to help get the word out and supply information face to face. Salamun asked if there

could be an appeal to council if citizens aren't happy. Hanzel said it would be best to let the process start and changes can be made later when there are more statistics. Salamun thinks big items should come through council instead of the parking committee. Laurenti said having council be too involved has gotten them in trouble in the past. He said the advisory board will make this more responsive and quicker. They are the experts not the elected officials. Lewis appreciates Salamun's concerns and thinks big issues will come to council. Nyberg advised them to be careful about setting hours and fees. Motion carried.

Ordinance 6324 (LF041019-11) An Ordinance Updating and Revising the General Parking Regulations of the City of Rapid City by Amending Chapter 10.40 of the Rapid City Municipal Code (RCMC). Motion was made by Scott, second by Laurenti and carried that Ordinance 6324 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 6, 2019.

Community Development Items

Mayor read in item (No. 19PL020) A request by KTM Design Solutions, Inc. for Hermano, LLC for a Preliminary Subdivision Plan for proposed Lot 2A, 2B, 3A, 3B, 4A, 4B, 5A and 5B of Lot 8 of Fountain View Subdivision, generally described as being located north of Harmony Heights Lane and south of I-90. Motion was made by Scott, second by Laurenti and carried to approve with the following stipulations:

1. Upon submittal of a Development Engineering Plan application, an Engineering Report per Chapter 1.15 of the Infrastructure Design Criteria Manual shall be submitted for review and approval. 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 showing the installation of one intermediate turnaround for fire access no more than 600-feet from the terminus of Harmony Heights Lane shall be submitted for review and approval, 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 showing the installation of one fire hydrant at an interval not to exceed 450-feet from existing fire hydrants serving the property shall be submitted for review and approval, 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, water plans and analysis shall be submitted for review and approval that demonstrate that the water service to the lots is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Design reports shall be in conformance with the Infrastructure Design Criteria Manual and signed and sealed by a professional engineer;
5. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval that demonstrates that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. The design report shall be in conformance with the Infrastructure Design Criteria Manual, and signed and sealed by a professional engineer;
6. Upon submittal of a Development Engineering Plan application, drainage plans and reports demonstrating stormwater detention at historic rates and stormwater quality management for the proposed lots shall be submitted for review and approval. Additionally, all drainage easements shall be provided as necessary;
7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements;
8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval;
9. Upon submittal of a Final Plat application, the plat document shall show all necessary easements, including drainage easements and utility easements;
10. Upon submittal of a Final Plat application, an agreement securing ownership and maintenance of proposed drainage elements shall be submitted for recording;
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. In

addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Mayor read in item (No. 19PL021) A request by KTM Design Solutions, Inc. for KTLDCO, LLC for a Preliminary Subdivision Plan for proposed Lot 36, 37, 38, 39 and 40 of Rockinon Ranch Estates, generally described as being located west of the intersection of Lennon Lane and Hendrix Lane. Motion was made by Scott, second by Drury and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, all redline comments on the "Site/Utility Plan" shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Lennon Lane 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 Lennon 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; 3. Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval; 4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. The water plans shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows and provide sufficient system capacity. A Master Plan shall also be provided for review and approval showing how the west side of the property will be serviced from the "Upper Northridge" Zone. In addition, utility easements shall be secured as needed; 5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In particular, the design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. 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 Haines Avenue 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; 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, 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.

PUBLIC HEARING ITEMS – Items 45 – 53

Tony Marshall, President of Park Hill Development spoke on (18TI002). He said they have been working on this for three years. This land was obsolete zoned. It was residential next to light industrial. He said there is limited use for this property. There is normally a buffer between these zones but in this case it's not needed. He said this type of zoning is not usually aesthetically pleasing. The biggest help is the landscaping between the zones.

CONSENT PUBLIC HEARING ITEMS – Item 45 – 50***Alcohol Licenses***

45. Rapid City Summer Nights for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine Retailer license for events on the following 2019 dates: May 30, June 6, 13, 20 and 27; July 4, 11, 18, 25; and August 1, 8, 15, 22, 29 at 500 Block of 7th and 700 Block of St. Joseph
46. American Legion Post 22 for a SPECIAL EVENT On Sale Malt Beverage license for an event scheduled for June 28, 2019 to July 4, 2019 at American Legion Post 22 parking lot, Tract 8 Rapid City Greenway Tract
47. Family Dollar Stores of South Dakota, LLC DBA Family Dollar #27251, 907 East North Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine and Retail (on-off sale) Wine and Cider license
48. Family Dollar Stores of South Dakota LLC DBA Family Dollar #27118, 1025 East Saint Patrick Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine and Retail (on-off sale) Wine and Cider license
49. Naja Shrine Temple for a SPECIAL EVENT On-Sale Special Event On-Sale Dealer license for an event on May 18, 2019 at Naja Shrine Temple, 4091 Sturgis Road
50. ***Acknowledge applicant's request to withdraw applications for*** Overclock Lounge DBA Overclock Lounge, 632 St Joseph Suite 200 for a Retail (on-off sale) Malt Beverage & SD Farm Wine and Retail (on-off sale) Wine and Cider license

Motion was made by Scott, second by Lewis and carried to approve Items 45-50.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 51 – 53

Ordinance 6317 (No. 19RZ006) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, for a request by City of Rapid City Parks and Recreation Department for a Rezoning request from Medium Density Residential District to Public District for property generally described as being located at the 1000 Block of East Minnesota Street having passed its first reading on April 1, 2019 motion was made by Scott, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Laurenti, and Drury. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6317 was declared duly passed upon its second reading.

Motion was made by Scott, second by Lewis to approve (19VR001) with stipulations; A request by Scott O'Meara for OM Properties to consider an application for a Vacation of Right-of-Way for property generally described as being located at 316 and 324 East Boulevard. In response to a question from Nordstrom, Horton said they can't require landscaping. Tech stated there are no trees; they are currently reconstructing this area. A sidewalk will be installed with no landscaping since there is none there now. If the property owner revitalizes their property there would be appropriate landscaping required. Motion carried with the following stipulations: 1. Upon recording of the Vacation of Right-of-Way resolution, a temporary construction easement shall be submitted for recording; and, 2. Upon recording of the Vacation of Right-of-Way Resolution 2019-019, a public utility easement shall be submitted for recording.

Resolution 2019-019
Resolution of Vacation of Right-of-Way

WHEREAS, it appears that the right-of-way located in that portion of the East Boulevard right-of-way adjacent to the previously vacated 30 foot wide strip adjacent to Lots 30 and 31 of Block 4 of Simmons Addition, located in the NE1/4 of the NE1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the right-of-way lying west of 316 and 324 East Boulevard, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 15th day of April, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

Ordinance 6318 (No. 19RZ007) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, for a request by City of Rapid City Parks and Recreation Department for a Rezoning request from Low Density Residential District to Public District for property generally described as being located at 3820 Odde Drive. Having passed its first reading on April 1, 2019 motion was made by Drew, second by Scott that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Salamun, Lewis, Laurenti, Drury, and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6318 was declared duly passed upon its second reading.

Motion was made by Drury, second by Modrick to approve (18TI002) Approve Resolution 2018-081 – A request by Sperlich Consulting, Inc. for Park Hill Development, Inc. to consider an application for a Resolution Creating Park Hill Tax Increment District and Approval of Resolution 2018 – 082 - Approving Project Plan for property generally described as being located north of Sydney Drive, east of Smith Avenue and west of Cambell Street. Drury said this was a great example of an infill project. She appreciates the applicant’s patience and working with city staff on this project. She thinks it is a win-win situation for both parties. She is excited to see a nice buffer here. Nordstrom thanked Marshall for his patience and thinks this is a good project. Motion carried 7-1 with Laurenti voting no.

RESOLUTION NO. 2018-081
RESOLUTION CREATING THE PARK HILL
TAX INCREMENT DISTRICT NUMBER EIGHTY-ONE
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and

WHEREAS, the Council finds that:

(1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and

(2) The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the real property legally described as:

A portion of the unplatted balance of the N1/2 of the NE1/4 of the SE1/4 and a portion of the unplatted balance of the SE1/4 of the NE1/4 less right-of-way, located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4;

a portion of the dedicated right-of-way of Sidney Drive located in the NE1/4 of the SE1/4; the vacated right-of-way of Wilma Street located in the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4;

a portion of the dedicated right-of-way of Wilma Street located in the SE1/4 of the NE1/4; and

Lot H1 of the NE1/4 of the SE1/4 and the SE1/4 of the NE1/4, all located in Section 7, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota

is hereby designated as the Park Hill Tax Increment District Number Eighty-One.

Dated this 15th day of April, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

RESOLUTION NO. 2018-082
RESOLUTION APPROVING THE PROJECT PLAN FOR PARK HILL
TAX INCREMENT DISTRICT NUMBER EIGHTY-ONE
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, there has been established the Park Hill Tax Increment District Number Eighty-One; and

WHEREAS, the Council deems it desirable to promote affordable workforce housing in the corporate limits of the City of Rapid City; and

WHEREAS, this Tax Increment District forms a residential, affordable housing Tax Increment District; and

WHEREAS, the Project Plan submitted helps make this development feasible by assisting with off-street sidewalks, street reconstruction, grading, regional drainage and landscaping to buffer the affordable housing development from the adjacent industrial uses; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping with the statutes adopted by the South Dakota State Legislature; and

WHEREAS, the Project Plan submitted for this Tax Increment District proposes these improvements; and

WHEREAS, the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for the Park Hill Tax Increment District Number Eighty-One is economically feasible; and

WHEREAS, the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Park Hill Tax Increment District Project Plan for Tax Increment District Number Eighty-One be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 15th day of April, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

BILLS

The following bills have been audited:

BILL LIST - APRIL 15, 2019

P/ROLL PERIOD END 03/30/19, PD 04/05/19	1,860,280.71
CDEV P/ROLL PERIOD END 03/30/19, PD 4/05/19	4,101.46
PIONEER BANK & TRUST, 03/30/19 P/ROLL TAXES, PD 04/05/19	484,735.10
CDEV PIONEER BANK & TRUST, 03/30/19 P/ROLL TAXES, PD 04/05/19	960.15
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/01/19, PD 04/02/19	10,981.36
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/08/19, PD 04/09/19	9,026.19
SOUTH DAKOTA RETIREMENT SYSTEM, MAR19 RETIREMENT, PD 04/02/19	475,079.42
BERKLEY ASSIGNED RISK SERVICES, MAR19 CLAIMS, PD 04/02/19	48,709.26
US BANK, CREDIT CARD CHARGES, PD 04/01/19	56,756.78
US BANK, CDEV CREDIT CARD CHARGES, PD 04/01/19	322.60
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 04/09/19	21,077.52
BLACK HILLS ENERGY, ELECTRICITY, PD 04/09/19	14,554.79

COMPUTER BILL LIST	2,212,461.54
CDEV COMPUTER BILL LIST	7,416.95
SUBTOTAL	5,206,463.83
RSVP, P/ROLL PERIOD END 3/30/19, PD 4/05/19	1,432.80
RSVP, PIONEER BANK & TRUST, 03/30/19 P/ROLL TAXES, PD 04/05/19	410.35
RSVP, US BANK, CREDIT CARD CHARGES, PD 04/01/19	197.50
RSVP, COMPUTER BILL LIST	39.22
TOTAL	5,208,543.70

Sumption presented the bill list of \$5,208,543.70. Motion was made by Salamun, second by Laurenti and carried to authorize (No. CC041519-01) 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 Lewis and carried to adjourn the meeting at 8:18 p.m.

Dated this 15th day of April, 2019.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)