

MINUTES OF THE
RAPID CITY PLANNING COMMISSION
October 8, 2020

MEMBERS PRESENT: Erik Braun, Racheal Caesar, Mike Gollither, Eirik Heikes, Mike Quasney, Haven Stuck and Vince Vidal.

MEMBERS ABSENT: Kelly Arguello, Karen Bulman, John Herr, Eric Ottenbacher. Bill Evans, Council Liaison was also absent.

STAFF PRESENT: Vicki Fisher, Fletcher Lacock, Ted Johnson, Todd Peckosh, Wade Nyberg and Andrea Wolff.

Braun called the meeting to order at 7:00 a.m.

Braun reviewed the Consent Agenda and asked if any member of the Planning Commission, staff or audience would like any item removed from the Consent Agenda for individual consideration.

Motion by Caesar seconded by Gollither and unanimously carried to recommend approval of the Consent Agenda Items 1 thru 2 in accordance with the staff recommendations. (7 to 0 with Braun, Caesar, Gollither, Heikes, Quasney, Stuck and Vidal voting yes and none voting no)

---CONSENT CALENDAR---

1. Approval of the September 24, 2020 Planning Commission Meeting Minutes.
2. No. 20PL071 - Murphy Ranch Estates Subdivision
A request by Davis Engineering, Inc for Murphy Brothers Partnership, LLC to consider an application for a **Preliminary Subdivision Plan** for proposed Lots 8, 9, 10 of Block 1 and Lot 1 Revised, Lot 2 Revised, Lot 3 Revised, Lot 4 Revised, Lot 5 Revised, Lot 6 Revised, Lot 7 Revised, Lot 8 Revised, Lot 9 Revised and Lot 10 Revised of Block 12 of Murphy Ranch Estates Subdivision, located in the NW1/4 of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as unplatted portion of Tract F of NW1/4 of Section 14, T1N, R8E, less Murphy Subdivision, Less Murphy Ranch Estates and Less right-of-way all located in BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Longview Road and east of Reservoir Road.

Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations:

1. **Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Long View Road as it abuts the property or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application;**
2. **Prior to submittal of a Final Plat application, the Long View Road improvements as previously agreed to with the Pennington County Highway Department and the detention cell in Phase 7 shall be**

- completed and accepted by the Pennington County Highway Department;
3. Prior to submittal of a Final Plat application, the plat document shall be revised to address the following:
 - a) The plat title shall be revised to show that the property is formerly a part of Tract A instead of Tract F;
 - b) The “all located in” description shall be changed to include NW1/4NW1/4;
 - c) The scale shall be revised to read 1”=100’ instead of 1”=60’;
 - d) “Derringer Road” shall be spelt correctly;
 - e) Long View Road shall be shown along the north lot lines of Lots 8, 9 and 10 of Block 11. In addition, the street right-of-way widths for Long View Road, Derringer Road and Blackpowder Road shall be labeled;
 - f) “Revised” shall be removed from the legal and on the lot labeling for Lots 1 through 10 of Block 12 since these lots have not previously been platted;
 - g) “Previously Platted” shall be removed from Lot 24 and 25 of Block 3 and Lots 1 through 4 of Block 9 lot labeling since these lots have not previously been platted;
 - h) All bearings and lot dimensions shall be shown; and,
 - i) A Certificate and Acknowledgment of Ownership shall be added for Davis Engineering, Inc.;
 4. Upon submittal of a Final Plat application, a signed and approved cost estimate for the required subdivision improvements shall be submitted;
 5. 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,
 6. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

---END OF CONSENT CALENDAR---

---BEGINNING OF REGULAR AGENDA ITEMS---

3. Discussion Items

None

4. Staff Items

- A. Training on Due Process, Conflict of Interest and Ex Parte Communication

Nyberg reviewed Ex Parte Communication and Conflict of Interest explaining how these could affect the decision making of the Planning Commission as a quasi-judicial body. Nyberg addressed the specific type of items that are heard by the Planning Commission and the due process required of the Planning Commission. Nyberg explained the types of Ex Parte Communication and options on how best to handle.

Nyberg then reviewed the types of Conflict of Interest, recent statutes addressing these issues and how it can affect the decisions of the Planning

Commission. Nyberg noted that staff is always available to discuss any questions or issues and Planning Commissioners need to remain objective and to disclose out of meeting actions such as site visits, discussions and if so decided, to recuse or abstain from the item due to conflict of interest.

In response to a question from Vidal on what differentiates items that go before the Council and those that come before the Planning Commission, Fisher noted that the items that come before the Planning Commission are from Chapters 17 which is Zoning and Chapter 16 which is the Subdivision sections of the Rapid City Municipal Code.

In response to a question from Vidal on Ex Parte Communication as it relates to City Council, Nyberg said it is more expected in the City Council as they are expected to communicate with their constituents but that disclosure of such communications in the meeting is reflected in the records.

Heikes acknowledged Vidal's prior comment that Social Media is a major issue in today's world.

In response to a question from Stuck addressing disclosure by prior knowledge rather than site visits, Nyberg said that stating familiarity is not necessary. Fisher stated that if a visit to a site affects the decision or causes concerns that should be noted in the meeting.

Fisher noted that it had been decided in the recent past that discussions with staff outside of the public meeting were included in Ex Parte communication so if those discussions are held they also should be disclosed.

Quasney requested that the presentation be provided to the Planning Commissioners.

In response to a question from Caesar whether City Council receives a presentation, Nyberg stated that City Council members did receive training on Ex Parte communications.

5. Planning Commission Items
None

There being no further business, Caesar moved, Vidal seconded and unanimously carried to adjourn the meeting at 7:52 a.m. (7 to 0 with Braun, Caesar, Gollhofer, Heikes, Quasney Stuck and Vidal voting yes and none voting no)