

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 1, 2016

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, February 1, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Steve Laurenti, Jerry Wright, Ron Weifenbach, Charity Doyle, Brad Estes, Chad Lewis, Darla Drew, John B. Roberts, Ritchie Nordstrom and Amanda Scott; and 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, Acting Public Works Director Dale Tech, Community Planning and Development Services Director Brett Limbaugh, Assistant Chief of Police Chief Don Hedrick, Fire Chief Mike Maltaverne, Parks and Recreation Director Jeff Biegler, Community Resources Director Jeff Barbier and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Motion was made by Estes, second by Lewis and carried to adopt the agenda.

EXECUTIVE SESSION

Motion was made by Lewis, second by Estes and carried to go into Executive Session at 6:35 p.m. for the purpose of consulting with legal counsel regarding pending litigation pursuant to SDCL 1-25-2(3). Motion was made by Estes, second by Lewis and carried to call the City Council meeting back to order at 7:05 p.m.

CONSENT ITEMS

The following items were removed from the Consent Items:

4. LC Beer LLC DBA Lost Cabin Beer Co., 1401 W Omaha Street, Suite 3 for a Retail (on-off sale) Malt Beverage License
26. No. PW012616-22 – Authorize staff to advertise for bids for Tennis Court and Play Court Re-Surface Project PR16-6128. Estimated Cost: \$350,000.
38. No. LF012716-12 – Authorize Mayor and Finance Officer to Sign Necessary Documents for Loan to Soccer Rapid City

Motion was made by Estes, second by Weifenbach and carried unanimously to approve Items 1-42 as they appear on the Consent Items with the exception of Items 4, 26 and 38.

Approve Minutes

1. Approve Minutes for the January 19, 2016 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (February 16, 2016)

2. Youth and Family Services, Inc. for a SPECIAL EVENT Malt Beverage and Wine License for Events scheduled for February 19, 2016 and February 20, 2016 at Youth and Family Services, Inc., 120 E. Adams Street
3. Main Street Square for a SPECIAL EVENT Malt Beverage and Wine License for Events scheduled for June 11, 2016 and August 21, 2016 at Main Street Square, 526 Main Street

5. Working Against Violence Inc. for a SPECIAL EVENT Malt Beverage and Wine License for Events scheduled for February 25, 2016 and February 26, 2016 at Barefoot Dance Studio, 412 5th Street

Public Works Committee Consent Items

6. No. PW012616-01 – Approve Change Order to Highmark Inc. for Jackson Springs Water Transmission Main, Project No. 09-1836 / CIP No. 50780, in the amount of \$71,249.10.
7. No. PW012616-02 – Approve Change Order No. 6F to RCS Construction for the Horace Mann Pool Project, Project No. 11-1942, for an increase of \$29,664.00.
8. No. PW012616-03 – Approve Change Order No. 2 to Reede Construction for Mt Rushmore Road Utility Reconstruction, Project No. 11-1926 / CIP No. 50840, for a decrease of \$57,204.69.
9. No. PW012616-04 – Authorize Staff to Advertise for Bids for 32nd Street Overlay Project, Project No. 15-2309 / CIP No. 50798. Estimated Cost: \$175,000.00.
10. No. PW012616-05 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – Bendt Drive Area Chip Seal, Project No. 15-2293 / CIP No. 50549. Estimated Cost: \$100,000.00.
11. No. PW012616-06 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – Disk Drive Panel Repair, Project No. 15-2291 / CIP No. 50445. Estimated Cost: \$250,000.00.
12. No. PW012616-07 – Authorize Staff to Advertise for Bids for Vacuum Street Sweeper. Estimated Cost: \$265,000.00.
13. No. PW012616-08 – Authorize Staff to Advertise for Bids for Automotive Truck Lifts. Estimated Cost: \$40,000.00.
14. No. PW012616-09 – Authorize Staff to Advertise for Bids for Single Axle Dump Truck with Slide-in Sander & Plow. Estimated Cost: \$120,000.00.
15. No. PW012616-10 – Authorize Staff to Advertise for Bids for Tandem Axle Dump Truck with Slide-in Sander & Plow. Estimated Cost: \$165,000.00.
16. No. PW012616-11 – Authorize Staff to Advertise for Bids for Single Axle Sander Truck with Plow. Estimated Cost: \$165,000.00.
17. No. PW012616-12 – Authorize Staff to Advertise for Bids for Pothole Patch Truck. Estimated Cost: \$175,000.00.
18. No. PW012616-13 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Ferber Engineering Company Inc. for Construction Professional Services for Baldwin Street Reconstruction – Wentworth to S Berry Pine, Project No. 14-2189 & 14-2190 / CIP No. 50822.1-1 & 2, in the amount of \$391,025.00.
19. No. PW012616-14 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and A&B Welding Supply Company Inc. for Liquid Oxygen Supply.
20. No. PW012616-15 – Authorize Mayor and Finance Officer to Sign Joint Funding Agreement between U.S. Department of the Interior, U.S. Geological Survey and City of Rapid City for 2016

Water Resources Investigation to include the operation and maintenance of selected gaging stations and for various hydrologic investigations.

21. No. PW012616-16 – Approve Transfer of Drainage Lot in Block 1 of Catron Crossing Subdivision from Pennington County to the City of Rapid City and Authorize Public Works Director to Accept and Record Deed When Transferred.
22. No. PW012616-17 – Approve Transfer of Drainage Lot in Block 2 of Northbrook Village Subdivision from Pennington County to the City of Rapid City and Authorize Public Works Director to Accept and Record Deed When Transferred.
23. No. PW012616-18 – Authorize Staff to Apply for Bridge Improvement Grant (BIG) Funds for Preservation and Repair Work for the 12th Street Bridge, Cherry Avenue Bridge, and Meade Ditch Box Culvert at Cambell Street; to accept the funds if awarded; and authorize signature of associated documents.
24. No. PW012616-20 – Approve Renewal of Cationic Sludge Polymer Contract with Polydyne for one year.
25. No. PW012616-21 – Authorize staff to purchase a Toro Groundmaster 4000D Wide Area Rotary Mower with Universal Sunshade and Road Light Kit from Midwest Turf & Irrigation, through National IPA, in the total amount of \$61,381.52.
27. No. PW012616-23 – Approve Memorandum of Understanding Between the City of Rapid City and Skyline Drive Preservation, Inc., Relating to Land Purchase to Increase the Skyline Wilderness Area.

Legal & Finance Committee Consent Items

28. No. LF012716-01 - Authorize Staff to Purchase one Dodge Grand Caravan to Replace an Aging Parking Enforcement Vehicle at State Bid Price of \$23,139
29. No. LF012716-02 – Authorize Staff to Purchase Four (4) 2016 Dodge Charger Patrol Vehicles from Dodgetown at the State Bid Price of \$26,926 each
30. No. LF012716-03 – Authorize Staff to Purchase Two (2) 2016 Dodge Durangos from Dodgetown at the State Bid Price of \$32,520 each
31. No. LF012716-04 – Authorize Staff to Purchase Two (2) Ford Interceptor SUV Patrol Vehicles from McKie Ford at the State Bid Price of \$30,460 Each
32. No. LF012716-05 – Authorize Staff to Purchase One (1) 2016 Ram Pickup from Dodgetown to be Used by the Community Service Officers at the State Bid Price of \$28,879
33. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Christian Rascon, Melody Inchumuk
34. No. LF012716-07 – Acknowledge December 2015 General Fund Cash Balance Report
35. No. LF012716-08 – Authorize Mayor and Finance Officer to Sign Indenture of Restrictive Covenants and Community Development Block Grant (CDBG) Contract for Lutheran Social Services – New Alternatives

- 36. No. LF012716-09 – Authorize Mayor and Finance Officer to Sign Community Development Block Grant (CDBG) Contract for Black Hills Area Habitat for Humanity
- 37. No. LF012716-11 – Authorize Mayor and Finance Officer to Sign Quit Claim Deed to Transfer Property at 120 East Adams Street to Youth and Family Services

Bid Award Consent Items

- 39. No. CC020116-02.1 – Approve award of Total Bid for Baldwin Street Reconstruction Wentworth to Wedgewood and Wedgewood to S. Berry Pine, Project 14-2189 / CIP 50822.1-1 and 14-2190 / CIP 50822.1-2 opened on January 26, 2016 to the lowest responsible bidder, R.C.S. Construction, Inc. in the amount of \$4,340,991.69.
- 40. No. CC020116-02.2 – Approve award of Total Bid for Edgewood Drive Street Repair, Project No. 15-2287 / CIP No. 51101 opened on January 26, 2016 to the lowest responsible bidder, Hills Materials Company, in the amount of \$58,460.19.
- 41. No. CC020116-02.3 – Approve award of Total Bid for Twelve (12) New Current Model Year Automated Side Loading Refuse Collection Trucks opened on January 26, 2016 to Sheehan Mack Sales & Equipment in the amount of \$3,162,800.00.
- 42. No. CC020116-02.4 – Approve award of Total Base Bid plus Alternate 1 for Sheridan Lake Road Reconstruction - June Court to Rapid Creek, Project No. 15-2203 / CIP No. 50933 opened on January 27, 2016 to the lowest responsible bidder, Heavy Constructors, Inc. in the amount of \$2,380,966.59.

END OF CONSENT ITEMS

Estes stated he needed to abstain from Alcohol Beverage License Application for LC Beer LLC DBA Lost Cabin Beer Co., 1401 W Omaha Street, Suite 3 for a Retail (on-off sale) Malt Beverage License, since he is their landlord. Motion was made by Scott, second by Roberts to approve ***Alcoholic Beverage License Applications Set for Hearing (February 16, 2016)*** for LC Beer LLC DBA Lost Cabin Beer Co., 1401 W Omaha Street, Suite 3 for a Retail (on-off sale) Malt Beverage License. Motion carried 9-0, with Estes abstaining.

Motion was made by Drew, second by Weifenbach to (No. PW012616-22) Authorize staff to advertise for bids for Tennis Court and Play Court Re-Surface Project PR16-6128. Estimated Cost: \$350,000. In response to a question from Drew, Biegler said Thompson Park is located in the northeast part of town and Corey Park is in the northwest part of town near City Springs Road. She clarified that the tennis courts near the Civic Center will not be repaired. Weifenbach stated he was happy that the tennis courts are getting used. In response to a question from Lewis, Biegler said the tennis courts near Sioux Park are getting resurfaced for now until they can budget for new courts at a later date. Motion carried.

Motion was made by Scott, second by Estes to (No. LF012716-12) Authorize Mayor and Finance Officer to Sign Necessary Documents for Loan to Soccer Rapid City. Doyle stated she needed to abstain from this item. In response to a request from Weifenbach regarding the 5-minute rule, motion was made by Estes, second by Roberts to suspend the rule for this item. Motion carried. Weifenbach stated that the Council has been working with Soccer Rapid City for a number of years. He said these fields will have a positive economic impact on Rapid City. He said he would like to split the loan requests into two separate items. He would like to eliminate the \$550,000.00 loan and allow their organization to use the funding for future maintenance for these fields. He would like to use the Vision Fund to pay for the lighting and free the organization of this loan. Scott said the Council has negotiated this loan in good faith with Soccer Rapid City and believes this is the best solution. She also stated that the whole Vision Fund would need to be examined because there are other projects that need funds as well. She is not in favor of using the

Vision Funds to pay for these loans. In response to a question from Roberts, Landeen suggested continuing the item if they wanted to look into using the Vision Fund. Roberts said they should approve the item as is and if Council wants to bring the item forward and look at giving Soccer Rapid City the money to pay off the loan, then they can do that at a later date. He doesn't think they should hold up the project right now. Lewis appreciates Weifenbach's suggestion but believes approving the item as it stands, is the right thing to do to keep the project moving forward. He said he is open to the suggestion of using Vision Funds to pay this off at a later date. In response to a question from Weifenbach, Landeen said that the suggestion from Roberts is the proper course of action. If council wants to forgive the loan at a later date, they should bring the item back to Legal and Finance. Roberts stated everyone has a lot invested in this project and no one wants to see it fail. Estes will be voting to approve the item as it is but is open to conversation about paying off the debt at a later date. Motion carried with Doyle abstaining.

NON-CONSENT ITEMS

Ordinances

Ordinance No. 6091 (No. LF012716-13) An Ordinance to Repeal Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code. Motion was made by Scott, second by Laurenti and carried that Ordinance No. 6091 be placed upon its first reading and the title was fully and distinctly read.

Public Works Committee Items

Doyle stated she needed to abstain from this item. Motion was made by Estes, second by Laurenti and carried to (No. PW012616-19) Authorize Staff to Purchase a Lighting System from Musco Sports Lighting LLC using the National Joint Powers Alliance (NJPA) Contract Pricing in the amount of \$702,396.00 for the Sports Complex Lighting Project, Project No. 16-2321 / CIP No. 51110.

PUBLIC HEARING ITEMS

Tim Christensen (No. 15PD047) addressed the PUD regarding the Cleary Sales Office. He understood the building had to adhere to the PUD when he bought his house in 2008. He said he talked to the business owners a few time to mow their lawn. He stated a year ago, the grounds became messy. He had asked them to remove the RV that had been parked there. He said working activity has started as early as 5:30 a.m. The noise was becoming a problem. He said the early activity is disruptive to the neighborhood. He is in support of professional office space, no more commercial activity. He would like the Council to uphold the Planning Commission's decision to deny the appeal to the PUD. Patrick Anderson, branch manager for Cleary Building, originally asked to continue this item to the February 16, 2016 meeting but would like Council to take action tonight. He stated he has been the branch manager since March 2015, since then, the company has ceased all industrial use on the property. He would like hours lengthened from 6:30 a.m. to 7:00 p.m. until they can find a more suitable location. He said they will move by September 2, 2016. Karen Bulman stated the Cleary Building is in a PUD but also has a low density residential designation. She stated that office use was allowed in the PUD and the Cleary Building was grandfathered in because there was a business there prior to them that sold metal buildings. She said there was a major amendment approved in April 2013 to allow for small animal clinic but that never happened. In October 2015, the Cleary business asked for the PUD to allow professional offices with hours of operation from 8:00-5:00. The Cleary business asked that BH Garage Doors be allowed at the location and have the same hours of operation. Planning Commission denied BH Garage Doors to be there mainly because they had door materials there and were bringing in trucks and operating as an industrial site. In January 2016 an amendment was brought forward asking that Black Hills Garage Doors be allowed at the site for office use only and hours of operation be from 8:00-5:00. The Planning Commission said the hours of operation should be 8:00-5:00 and that BH Garage needed to vacate the property. Bulman says the Cleary building is a staging area for industrial use which is not allowed in a low density residential district. She is asking to uphold the Planning Commission's decision and deny appeal of the PUD. Pat Hahn, 15 year resident of the area, addressed the Council. She said she has contacted code enforcement several times. The Cleary business was supposed to be landscaped when it was first built and there is still nothing there. She said trucks are coming through the

residential area and they can endanger the children. She is asking that Council uphold the Planning Commission's decision. Mike Friend, owner of BH Garage Doors, addressed the Council. He has been leasing half the building from Tom Cleary for the past two years. When he found out there were zoning issues, he removed products and trucks, and now only uses the building for office space. He said he does put his pick-up in the back. He said none of his employees are there before 8:00 a.m. or there after 4:00 p.m. He said that BH Garage Doors would like to remain in that location. He will be losing a lot of money if he has to move.

CONSENT PUBLIC HEARING ITEMS

Motion was made by Scott, second by Nordstrom and carried unanimously to approve Items 45-56 as they appear on the Consent Public Hearing Items.

Alcohol Licenses

45. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for February 18, 2016 at Elks Theatre, 512 6th Street
46. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for May 10, 2016 at Black Hills & Badlands Tourism Association, 1851 Discovery Circle
47. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for June 14, 2016 at Premier Home Mortgage, 3024 Tower Rd
48. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for July 12, 2016 at McKie Ford Lincoln, 7 East Omaha
49. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for August 9, 2016 at National American University, 5301 S Hwy 16, Suite 200
50. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for September 13, 2016 at KT Connections, 829 Quincy St, Suite A
51. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for October 11, 2016 at Regional Health, 353 Fairmont Blvd
52. Black Hills Playhouse for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for February 14, 2016 at Barefoot Dance Studio, 412 5th Street
53. Pennington County Democratic Party for a SPECIAL EVENT Wine License for an Event Scheduled for February 12, 2016 at Prairie Edge, 606 Main Street
54. Rapid City Summer Nights Inc. for a SPECIAL EVENT Wine and Malt Beverage License for Outdoor Events Scheduled for June 2, 2016, June 9, 2016, June 16, 2016, June 23, 2016, June 30, 2016, July 7, 2016, July 14, 2016, July 21, 2016, July 28, 2016, August 4, 2016, August 11, 2016, August 18, 2016, August 25, 2016 and September 1, 2016 on 7th Street and St. Joseph Street
55. The Best Little Hair House, 526 6th Street for a Retail (on-off sale) Wine License
56. The Best Little Hair House, 526 6th Street for a Retail (on-off sale) Malt Beverage License

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS

Mayor read in item No. 15PD047. The manager, Patrick Anderson, of Cleary Building Corp., originally asked that the item be continued to the February 16, 2016, Council Meeting. Mayor asked if he would like the item continued or voted on and Anderson said he would like the item voted on. Motion by Weifenbach, second by Doyle to uphold the Planning Commission's decision to deny (No. 15PD047) a request by Cleary Building Corp for Tom and Carol Cleary for a **Major Amendment to a Planned Unit Development to allow Black Hills Garage Doors as a professional office** for property generally described as being located at 1555 Catron Boulevard. In response to a question from Weifenbach, Limbaugh explained that the Planning Commission decided to disallow the garage door company operation and clarified that the Cleary Building would only be operating Monday-Friday, 8:00-5:00 and

Saturday, 8:00-12:00. In response to a question from Estes, Anderson said he was representing Tom Cleary and the business owner is requesting Council to act on the item. In response to a question from Estes, Landeen said council could modify the times and recommendations. In response to a question from Scott, Limbaugh said that the Planning Commission wanted BH Garage Doors to vacate the building because they were housing materials and had trucks coming in and out. Limbaugh said it's up to Council if they want to reinstate BH Garage Doors for office use only with operation hours of 8:00-5:00. Scott stated she is the liaison for the Planning Commission and as of the last Planning Commission meeting, neither business could show that they were able to operate between 8:00-5:00. She is in favor of upholding the Planning Commission's decision. In response to a question from Roberts, Landeen said BH Garage Doors would have a reasonable amount of time to vacate, but not an extended period of time. In response to a question from Roberts, Friend said he has a lease with the Cleary Building and it is currently month to month. Friend said it will be difficult to move and will make it hard for him to make money if he's forced to move. In response to a question from Roberts, Limbaugh said that his office was not monitoring the hours of operation for either business. He said the neighbors were complaining that the businesses were not in compliance with their hours of operation. In response to a question from Roberts, Anderson said the Cleary business was looking to relocate by September 2016. He hoped whoever bought the building would let BH Garage Doors lease from them so they could stay. Weifenbach suggested that Friend contact the attorney's office to see what the timeframe is for him to vacate. Motion carried 8-2 with Roberts and Lewis voting no.

BILLS

The following bills have been audited.

BILLIST - FEBRUARY 1, 2016

P/ROLL PERIOD END 01/02/16, PD 01/08/16	1,041,632.70
CDEV P/ROLL PERIOD END 01/02/16, PD 01/08/16	3,195.20
PIONEER BANK & TRUST, 01/02/16 P/ROLL TAXES & BENEFITS, PD 01/08/16	256,497.13
CDEV PIONEER BANK & TRUST, 01/02/16 P/ROLL TAXES & BENEFITS, PD 01/08/16	860.27
SOUTH DAKOTA DEPT OF REVENUE, DEC15 SALES TAX PAYABLE, PD 01/18/16	38,878.29
SOUTH DAKOTA DEPT OF REVENUE, CCTR DEC15 SALES TAX PAYABLE, PD 01/18/16	33,971.50
SOUTH DAKOTA DEPT OF REVENUE, DEC15 EXCISE TAX PAYABLE, PD 01/18/16	154.91
WELLMARK INC, HEALTH CLAIMS THROUGH 01/15/16, PD 01/21/16	79,036.19
WELLMARK INC, HEALTH CLAIMS THROUGH 01/22/16, PD 01/28/16	178,812.06
WAGE WORKS, SECTION 125 CLAIMS THROUGH 01/19/16, PD 01/20/16	6,675.39
WAGE WORKS, SECTION 125 CLAIMS THROUGH 01/25/16, PD 01/26/16	4,834.59
BANK WEST, TID47 TOWER RD, PD 01/19/16	2,835.42
BANK WEST, TID56 RUSHMORE CROSSING, PD 01/19/16	26,905.77
BANK WEST, TID65 MINNESOTA ST, PD 01/19/16	3,847.34
CITY OF RAPID CITY, TID42 ELK CREEK/TIMMONS, PD 01/19/16	1,883.46
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 01/19/16	5,124.91
CITY OF RAPID CITY, TID64 CABELA'S, PD 01/19/16	97,471.83
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 01/19/16	692.73
BLACK HILLS POWER, ELECTRICITY, PD 01/26/16	50,309.20
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 01/26/16	58,380.11
COMPUTER BILL LIST	2,736,018.44
CDEV TRANSFER	31.20
CDEV COMPUTER BILL LIST	10,501.03
	SUBTOTAL
	4,638,549.67
RSVP, P/ROLL PERIOD END 01/02/16, PD 01/08/16	3,273.59
RSVP, 01/02/16 P/ROLL TAXES & BENEFITS, PD 01/08/16	1,073.52
RSVP, COMPUTER BILL LIST	379.19
	TOTAL
	4,643,275.97

IMPREST ACCOUNT

SD SECRETARY OF STATE, 2016 LOBBYIST REGISTRATIONS	200.00
GRAND TOTAL	4,643,475.97

Sumption presented the bill list total of \$4,643,475.97. Motion was made by Laurenti, second by Scott and carried to authorize (No. CC020116-01) the Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Nordstrom, second by Scott and carried to adjourn the meeting at 7:59 p.m.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)