

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 16, 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 Tuesday, February 16, 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, and Amanda Scott; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John B. Roberts and Ritchie Nordstrom.

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, Police Chief Karl Jegeris, Parks and Recreation Director Jeff Biegler, Library Director James McShane, Community Resources Director Jeff Barbier and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Mayor Allender indicated that Item 40 should be moved to after Item 47. Motion was made by Lewis, second by Scott and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

Mayor Allender and Alderpersons Drew and Estes presented the Veteran of the Month for February 2016 to Vernon Robertson, and recognized his efforts and dedication to the service of his country and community.

John Mattson and Meghan Olson, Co-Presidents of the Nikko City, Sister City Association of Rapid City, presented Mayor Allender with some gifts from Nikko City. Mr. Mattson stated some members of their organization went to Nikko City last October 2015. Nikko City asked that gifts of a clock and a plaque be presented to Mayor Allender. Mayor thanked them for the gifts.

CONSENT ITEMS

Motion was made by Estes, second by Laurenti and carried unanimously to approve Items 3-14 as they appear on the Consent Items.

Approve Minutes

3. Approve Minutes for the February 1, 2016 Regular Council meeting.

Legal & Finance Committee Consent Items

4. No. LF021016-01 – Approve Kirk Funeral Home Request for Free Parking for Senior Movies.
5. No. LF021016-02 – Authorize Staff to Purchase Furnishings for Patrol Work Area.
6. No. LF021016-03 – Authorize Staff to Apply for and Accept if Awarded a Grant from the South Dakota Department of Health for Special Pathogen Training.
7. No. LF021016-04 – Authorize Mayor and Finance Officer to Sign Service Agreement with Philips Healthcare Solutions to Provide Performance Assurance and Bench Repair on 13 Cardiac Monitors.

- 8. No. LF021016-06 – Resolution No. 2016-007A Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property.

RESOLUTION No. 2016-007A
 RESOLUTION FIXING TIME AND PLACE FOR
 HEARING ON ASSESSMENT ROLL FOR
 CLEANUP OF MISCELLANEOUS PROPERTY

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

- 1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 16th day of February, 2016. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 21st day of March, 2016 at 6:30 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 16th day of February, 2016

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 9. No. LF021016-14 – Authorize Mayor and Chief of Police to Sign the 2016 Federal Equitable Sharing Agreement.
- 10. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Patrick Daniel Flanigan, Christine Howell, Louis Fillmon.
- 11. No. LF021016-07 – Approve Request for Property Tax Abatements as Follows: Claudette M. Bailey, 2015, \$371.86; South Dakota Department of Game, Fish and Parks, 2015, \$762.92; South Dakota Department of Transportation, 2015, \$17.30; South Dakota Department of Transportation, 2015, \$690.26; South Dakota Department of Transportation, 2015, \$1087.60; South Dakota Department of Transportation, 2015, \$268.94; South Dakota Department of Transportation, 2015, \$169.84; City of Rapid City, 2015, \$1451.64; Catholic Social Services, 2015, \$14,198.06; Catholic Social Services, 2015, \$698.30; South Dakota Department of Transportation, 2015, \$284.68; Mary Jane Shape, 2015, \$458.12; Chapel Lane Water Company, 2015, \$1,885.38; South Dakota Department of Transportation, 2015, \$8.66; Maxine L. Smith, 2015, \$304.32; South Dakota Department of Transportation, 2015, \$273.18; City of Rapid City, 2015, \$7.08; South Dakota Department of Game, Fish and Parks, 2015, \$1,380.54; South Dakota Department of Transportation, 2015, \$231.50; South Dakota Department of Transportation, 2015,

\$268.94; Lisa A. Doyle, 2015, \$333.42; South Dakota Department of Transportation, 2015, \$341.26.

12. No. LF021016-09 – Approve Resolution No. 2016-013 to Amend the City of Rapid City Compensation Plan by Reclassifying the Position of Accounts Payable Coordinator Within the Finance Department.

**RESOLUTION NO. 2016-013
RESOLUTION TO AMEND THE CITY OF RAPID CITY
COMPENSATION PLAN BY RECLASSIFYING
THE POSITION OF ACCOUNTS PAYABLE COORDINATOR WITHIN THE FINANCE DEPARTMENT**

WHEREAS, duties and responsibilities for positions within Departments throughout the City change and evolve over time; and

WHEREAS, respective Leaders within City Management request that such positions be reviewed for possible reclassification; and

WHEREAS, the duties and responsibilities of the below listed position have been evaluated by the City of Rapid City’s Compensation Committee utilizing the Factor Evaluation System (FES) to establish the appropriate placement on the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the City of Rapid City Compensation Plan by removing the Accounts Payable Coordinator (Grade 19, exempt) position from the non-union pay scale and place on the AFSCME Union pay scale at Grade 14, non-exempt; and

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City that the respective compensation plans are hereby revised as follows:

REMOVE FROM THE NON-UNION PAY SCALE

Position Title	Current Pay Scale	Current Grade	Current classification	Current Salary Range	
				Min	Max
Accounts Payable Coordinator	Non-Union	19	Exempt	\$50,780.41	\$76,512.94

ADD TO THE AFSCME UNION PAY SCALE

Position Title	NEW Pay Scale	NEW Grade	NEW Classification	NEW SALARY RANGE	
				Min	Max
Accounts Payable Coordinator	AFSCME Union	14	Non-Exempt	\$36,497.82	\$56,265.70

Dated this 16th day of February, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

13. No. LF021016-10 – Authorize Mayor and Finance Officer to Sign Revocable No-Build Easement for the Dahl Art Center at 713 7th Street.

Bid Award Consent Items

14. No. CC021616-02.1 - Approve award of Total Bid for Pavement Rehabilitation Project - 5th and Saint Joseph Street Intersection, Project No. 15-2282 / CIP No. 50445 opened on February 9, 2016 to the lowest responsible bidder, Tru-Form Construction, Inc., in the amount of \$227,408.50

END OF CONSENT ITEMS

NON-CONSENT ITEMS

Bill Huebner, Ace Steel and Recycling (No. 15RZ023) asked the Council to continue this item to the next Council meeting.

William Koser, owner of Brown's Repair (No. PW020916-14) asked the Council for a variance to waive installing sidewalks along Deadwood Avenue at this time. He stated that there are no other sidewalks within 1.5 miles of his business. He said when the time comes and it's required of everyone along Deadwood Avenue, then he would be in favor of doing it then. He would like the same consideration as others who don't currently have sidewalks along Deadwood Avenue. He stated he would rather use the money to landscape. He would appreciate Council waiving the installing of sidewalks for now.

Jordan Mason (Item 40) thanked the Council for investigating the alleged violation of code of conduct by an elected official. He appreciates the transparency. Bill Huebner stated he has known Jerry Wright for 50 plus years. He believes him to be an honest and straight forward person.

Ordinances

Ordinance No. 6091 (No. LF012716-13) An Ordinance Repealing 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 having passed its first reading on February 1, 2016 motion was made by Scott, second by Laurenti, that the title be read the second time. Upon vote being taken, the following voted AYE: Laurenti, Wright, Weifenbach, Doyle, Estes, Lewis, Drew, and Scott; NO: None, whereupon the Mayor declared the motion passed and Ordinance No. 6091 was declared duly passed upon its second reading.

Ordinance No. 6092 (No. LF021016-11) An Ordinance to Update the Snow Removal Procedure in the City of Rapid City by Amending Chapter 10.48 of the Rapid City Municipal Code. Motion was made by Scott, second by Drew and carried that Ordinance 6092 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, March 7, 2016.

Ordinance No. 6094 (No. LF021016-12) Supplemental Appropriation No. 1 for 2016. Motion was made by Scott, second by Wright that Ordinance No. 6094 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, March 7, 2016. Laurenti stated that Destination Rapid City is asking for \$67,000 to pay for utilities at Main Street Square. He doesn't believe the tax payers should pay for this bill. He asked the representative of Main Street Square (at the Legal and Finance Meeting) if they were having any money problems and the representative said their finances were solid. He doesn't think the City should pay for these utilities. Laurenti stated that some people think of Main Street Square as a park but he doesn't believe it's a park. Drew said it depends on your definition of a park and does believe it is used as a park sometimes. She is in favor of this payment and believes the City saved \$23,000 by paying for these utilities instead of the Green Team, which was \$80,000.00. Doyle said the Green Team is making downtown look beautiful. She clarified that Destination Rapid City

did withdraw their request for the Green Team and paid for it on their own. Wright said the downtown businesses pay taxes also and thinks this will benefit them as well. Laurenti said nothing had changed between Destination Rapid City and Main Street Square, but suddenly the taxpayers have to pay these utilities. Upon vote being taken the motion carried (7-1) the following voted AYE: Wright, Weifenbach, Doyle, Estes, Lewis, Drew, and Scott; NO: Laurenti.

Ordinance 6089 (No. 15RZ023) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner and Associates, LLC for a **Rezoning from General Agricultural District to Heavy Industrial District** for property generally described as being located south of Elgin between East North Street and N. Elk Vale Rd. Motion was made by Scott, second by Wright that Ordinance 6089 be continued to the March 7, 2016 Council Meeting. Weifenbach said originally some neighbors were opposed but some have since changed their minds. He stated this property sits next to a Heavy Industrial District so he supports the rezone without a PUD. Scott suggested the Council views the Planning Commission meeting. She said Mr. Huebner has a good plan but the Planning Commission wanted a PUD designation added. She stated that Mr. Huebner asked the Planning Commission to either approve without the PUD or deny and he would look over his options without the PUD. Scott said the Planning Commission chose to deny because they wanted the PUD and that's not what Mr. Huebner wanted. He has since asked that this item be continued. Weifenbach said the PUD is taking away Mr. Huebner's plans. Estes said he viewed the Planning Commission meeting. He visited the property and has a better understanding of the property. He is comfortable with the rezone as long as it has the PUD designation. Upon vote being taken the motion carried to continue to the March 7, 2016 Council Meeting (8-0) the following voted AYE: Laurenti, Wright, Weifenbach, Doyle, Estes, Lewis, Drew, and Scott.

Ordinance 6093 (No. 16RZ001), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner Associates, LLC for Youth and Family Services Inc. for a **Rezoning from Neighborhood Commercial District to Office Commercial District** for property generally described as being located at 720 N. Maple Avenue. Motion was made by Scott, second by Wright and carried that Ordinance No. 6093 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 7, 2016.

Public Works Committee Items

Motion was made by Drew, second by Wright and carried to (No. PW020916-01) Approve Change Order No. 1F to Site Work Specialists for Wildwood Drive Reconstruction Project, Project No. 13-2118 / CIP No. 50453 for a decrease of \$123,725.28.

Motion was made by Wright, second by Weifenbach to (No. PW020916-02) Authorize Staff to Advertise for Bids for Sports Complex Lighting – Electrical, Project No. 16-2321 / CIP No. 51110. Estimated Cost: \$350,000.00. Motion carried 7-0 with Doyle abstaining.

Motion was made by Doyle, second by Estes and carried to (No. PW020916-03) Authorize Staff to Advertise for Bids for West Memorial Park Parking Lot Rehabilitation, Project No. 15-2312 / CIP No. 51107. Estimated Cost: \$200,000.00.

Motion was made by Doyle, second by Drew and carried to (No. PW020916-04) Authorize Mayor and Finance Officer to Sign Covenant Agreement Between Black Hills Power, Inc., and the City of Rapid City Regarding the Installation and Maintenance of Decorative Street Lights Along Energy Park Drive.

Motion was made by Doyle, second by Wright and carried to (No. PW020916-05) Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and American Engineering and Testing Inc. for Sampling, Analysis, and Reporting Related to 2016 Environmental Monitoring for the Rapid City Municipal Landfill in the amount of \$90,838.98.

Motion was made by Weifenbach, second by Wright and carried to (No. PW020916-06) Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Upper Deck Architects for Professional Services for Street Maintenance Administrative Improvements, Project No. 16-2320 / CIP No. 51109, in the amount of \$46,500.00.

Motion was made by Doyle, second by Estes and carried to (No. PW020916-07) Authorize Mayor and Finance Officer to Sign Amendment No. 2 to HDR for 5th St. & Catron Blvd. Traffic Signal Modifications Project No. 13-2143 / CIP No. 51020, in the amount of \$63,215.00.

Motion was made by Doyle, second by Estes and carried to (No. PW020916-08) Authorize Mayor and Finance Officer to Sign Resolution No. 2016-014 a Construction Fee Resolution for Mall Drive Utilities Sanitary Sewer Extension – Oversize, Project No. ST08-1753.

Resolution # 2016-014
Construction Fee Resolution for Mall Drive Utilities
Sanitary Sewer Extension - Oversize
PROJECT NO. ST08-1753

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City's sewer utility; and

WHEREAS, 10" and 12" sewer mains were extended in Mall Drive per City Project No. ST08-1753; and

WHEREAS, the total oversize cost of constructing this sewer main was \$369,877.33, of which \$29,544.08 is for sanitary sewer oversize; and

WHEREAS, the City's engineering staff had identified the total area that will benefit from construction of this sewer 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 sewer 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 sewer utility that the owners of properties within the benefiting 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 sewer 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 10" & 12" sewer main shown in City Project No. ST08-1753; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$257.40 per acre to connect to the City's sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$29,544.08 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 16th day of February, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Motion was made by Doyle, second by Estes and carried to (No. PW020916-09) Authorize Mayor and Finance Officer to Sign Resolution No. 2016-015 a Construction Fee Resolution for Mall Drive Utilities Sanitary Sewer Extension – Frontage, Project No. ST08-1753.

Resolution # 2016-015
Construction Fee Resolution for Mall Drive Utilities
Sanitary Sewer Extension - Frontage
PROJECT NO. ST08-1753

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City’s sewer utility; and

WHEREAS, 10” and 12” sewer mains were extended in Mall Drive per City Project No. ST08-1753; and

WHEREAS, the properties fronting the new 10” and 12” sewer mains have an obligation to pay for the 8” equivalent base cost of the new sanitary sewer main; and

WHEREAS, the total cost of constructing this sewer main was \$369,877.33, of which \$230,791.13 is for the 8” equivalent base cost; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this sewer 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 to be paid by the properties which will benefit from its construction prior to such properties being served by the City’s sewer 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 front footage 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 sewer utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a front footage basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s sewer system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the equivalent of an 8” sanitary sewer main shown in City Project No. ST08-1753.; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$28.88 per front foot to connect to the City’s sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$230,791.13 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 16th day of February, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Motion was made by Doyle, second by Wright and carried (No. PW020916-15) Authorize Mayor and Finance Officer to Sign Amendment to the Sanitary Sewer Service Agreement with Prairie Acres LLC.

Motion was made by Doyle and second by Drew and carried to (No. PW020916-10) Authorize staff to purchase a 2016 Morbark D86 Track Stump Grinder from Morbark under NJPA Contract No. 042815-MBI, in the amount of \$55,822.03.

Motion was made by Doyle, second by Drew and carried to (No. PW020916-11) Authorize staff to purchase a Landscape Structures “Venti” play structure for Horace Mann Park from Dakota Fence at a cost of \$48,800 using NCPA Coop Pricing.

Motion was made by Doyle, second by Weifenbach and carried to (No. PW020916-12) Authorize staff to purchase two (2) 12-passenger 1 Ton Chevrolet Express 3500 Vans from Billion Auto from State Contract No. 16866 in the amount of \$28,171 each.

Motion was made by Doyle, second by Wright and carried to (No. PW020916-13) Approve Transfer of Property Jointly Owned with Pennington County to Sole City Ownership and Authorize Staff to Accept and Record Deed(s).

Motion was made by Wright, second by Weifenbach to approve (No. PW020916-14) Request from William Koser – BTK Land, LLC for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 Along Deadwood Avenue and Lien Street for the property located at 2850 Lien Street – Lot A of Michael Subdivision, Section 34, T2N, R7E, Rapid City. In response to a question from Drew, Tech stated the sidewalks are required by ordinance. He said the City can order the sidewalks in

at any time at a later date. Tech clarified that there have been no new building permits applied for besides the cold storage and there was a variance that was approved by the Council for that. Drew is in favor of waiving the installation of sidewalks. Estes is also in favor of approving the variance. Weifenbach visited the building and said how nice it was. He wishes there was a process to waive the sidewalk up front. Scott clarified the motion is to approve with a WORP. She did indicate that the sidewalk could still be ordered in by the City at a later date. Laurenti wanted to also clarify that waiving the sidewalks now doesn't mean there will never be sidewalks along Deadwood Avenue. They will likely be put in when it is feasible and goes along with the City's Master Plan. Motion carried 8-0.

Legal & Finance Committee Items

Motion was made by Scott, second by Doyle to (No. LF021016-08) Deny Resolution No. 2016-006 to Amend the City of Rapid City Non-Union Compensation Plan by Establishing the New Position of Library Makerspace Manager at the Library. Scott said the Makerspace has been in existence for about year. She is not in favor of a manager. She would prefer the Library utilize their current FTE's. Drew said she would support this position. She said a technology manager is expensive and she wants to do this right with a higher level of expertise. In response to a question from Weifenbach, the Mayor indicated that the Library was part of his priority based budgeting. Weifenbach said he is in favor of the denial and will back the Mayor on his priority based budgeting. In response to a question from Laurenti, Mr. McShane, Director of the Library, addressed the Council. He thinks the Makerspace will benefit the community greatly. He said it's being used in other cities and is an up and coming system. He wants to be proactive in reclassifying a position that suits this new technology. He wants one person to be focused on this area. Laurenti believes the Council is micromanaging something that has been run very well. He indicated that the Library Board asked for this and he trusts the board and the Director in needing this position. Estes thanked Mr. McShane for the email explaining the Makerspace. He understands that technology is moving in this direction. In response to a question from Estes, Mr. McShane said no library services are going away. They will provide all the same services as well as this new service with the Makerspace. He said they are in transition and the public seems to be excited about the new technology. He said kids as well as architects will be using the Makerspace, it will cross all age groups. He indicated there was a fee if the 3D printer is used. In response to a question from Laurenti, McShane said someone is already handling the Makerspace position, they just want to make it official with the manager position being added. In response to a question from Weifenbach, McShane said the only cost involved is the cost of the 3D printing. Weifenbach said he would still not support the motion. McShane invited all Council members to come to the library to see the system regardless of their vote. Motion failed (4-5) with Doyle, Estes, Scott and Weifenbach voting AYE; Lewis, Drew, Laurenti and Wright voting NO, with Mayor Allender voting NO to break the tie vote. Motion was made by Laurenti, second by Wright to approve (No. LF021016-08) with Estes, Scott, Weifenbach and Doyle voting NO; Lewis, Drew, Laurenti and Wright voting AYE, with Mayor Allender voting AYE to break the tie vote. Motion passed 5-4.

RESOLUTION NO. 2016-006
RESOLUTION TO AMEND THE CITY OF RAPID CITY COMPENSATION PLAN
BY ESTABLISHING THE NEW POSITION
OF LIBRARY MAKERSPACE MANAGER WITHIN THE LIBRARY DEPARTMENT

WHEREAS, the Rapid City Public Board of Trustees voted on January 11, 2016 unanimously to recommend that the new position of Library Makerspace Manager be created;

WHEREAS, duties and responsibilities for positions within the Departments throughout the City change and evolve over time and to ensure that necessary services can be provided effectively and efficiently within the City of Rapid City, respective City Leaders request that a new position be established and added to the existing Compensation Plan;

WHEREAS, the duties and responsibilities of the requested position have been evaluated by the City of Rapid City’s Compensation Committee utilizing the Factor Evaluation System (FES) to establish the appropriate placement on the respective City of Rapid City pay scale.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City that the position listed below is hereby created, and

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City that the compensation plan is hereby revised as follows:

New Job Title	Pay scale	Grade	Classification	Salary Range	Salary Range
Library Makerspace Manager	Non-union	17	Exempt	46,005.05 minimum	69,317.54 maximum

Dated this 16th day of February, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Scott read in Item (No. LF021016-15) Authorize Mayor and Finance Officer to Sign Professional Services Agreement Allowing Implementation of Priority Based Budgeting for the 2017 City Budget. Scott yielded to the Mayor. The Mayor indicated they have looking at Priority Based Budgeting for the past year. He believes this system will break the culture of budgeting. It will allow staff to identify programs that have not been utilized. The system allows the City to score the budgets in their own departments. It will allow the City to identify programs that were once justified but have now lost their relevance. He believes there will be substantial budget savings, greater efficiency, accountability and transparency. The agreement will allow the City to hire the contractors from Colorado, allow them to interview all of the people involved in the City budget, to put them through training and adopt the new system. It will provide web based software that will allow the City to visually display our budget in a different way. It will touch on the seven core beliefs found in the Comprehensive Plan. Mayor believes the City will get a lot of value for the cost of \$38,000.00. Motion was made by Scott, second by Wright to approve and use the funding source of undesignated cash from 2016 budget. Laurenti is concerned when government says they need to spend money to save money. He doesn’t believe the City needs to train City government on budgeting when they have been doing it for years. He doesn’t believe it’s hard to apply or understand this type of budgeting. He thinks they can do it themselves without hiring anyone for \$58,000.00. He said the agreement is for \$38,000.00 and \$20,000.00 every year after that. He would be willing to use it for 2-3 years with a sunset clause. In response to a question from Laurenti, Sumption said Brett Limbaugh did a great job starting the City in the right direction with the budget. She said this company will take the City further. The training will benefit everyone who works with the budget. She believes the \$20,000.00 will be our tool to help the department’s budget for their programs and it help the mayor decide if the budget benefits the community or just the department. She believes it’s a good step forward. She also stated there are terms in the contract so she doesn’t believe a sunset clause is necessary. Wright said he would support this but knows it’s only a tool. He said the budget is the product of the expectations of tax payers as well. He would also like to see a sunset clause. Drew thinks this will help the budgeting process and give a basis for why the City makes certain decisions. She believes a score will be a valuable tool as

well. Weifenbach voiced concern about this budgeting when the previous item regarding the Makerspace was approved. In response to a question from Weifenbach, Mayor clarified that hiring for the manager position didn't change what is going on with the library right now, it only formalizes it. Mayor clarified that Priority Based Budgeting philosophy has to do with breaking down each department into various projects. He indicated the Library is ran by a board and funded by the general fund. Since the City is in charge of the general fund they have to be concerned with the bottom line. He said some of the ground work has been laid for the Priority Based Budgeting but the bulk of the work lies ahead. Weifenbach wants to see change and wants the Council to know there will be some tough business decisions ahead. Wright made a friendly amendment to approve with a three year sunset clause, second by Laurenti. Landeen clarified that this is an annual contract and the City is not obligated beyond this year. Laurenti supports Amendment to the motion. He said the Council would be required to vote on this item every three years instead of just letting it go year after year. Scott won't support the amendment. She wants to approve on a yearly basis so they aren't locked in to a three year contract in case they don't like the tool. Wright suggested a three year maximum to use the budgeting. Scott said she will not support that either, because they might like the tool and want to go longer than three years. She will support the original motion. Laurenti stated the sunset clause makes sure the item comes back to the council in three years. Doyle stated the item only indicates it's for the 2017 year. She trusts the Mayor would bring it back if it's working. Motion failed 5-3 with Lewis, Drew, Scott, Doyle and Estes voting NO; Laurenti, Wright and Weifenbach voting AYE. Motion was made by Doyle, second by Estes to approve. Estes said he's ready to learn about this new tool and trusts the Mayor is making a good recommendation. He said the Mayor is the CEO and the leader and he will follow his direction. Weifenbach stated that this budgeting process is one of the biggest commitments he will make and he doesn't want dysfunction to get in the way of it working. Laurenti said Council has to trust in this new process to prove to the tax payers where their money is going. He said he will make sure the Mayor and Council are accountable for their promises regarding the budget. Mayor said he is in charge and the people voted him into office. He will do his best to budget the money successfully for the City. He will stand behind the priority based budgeting whether it's good or bad. He said there won't be a fall guy. He stated the City has been using the same tools for a number of years and it's time for a positive change. Motion approved 8-0.

Community Planning & Development Services Department Items

Motion was made by Doyle, second by Scott to Approve (No. 15PL116) A request by Dream Design International, Inc. for a **Preliminary Subdivision Plan** for proposed Lots 4A, 5, 6 and 7 of Block 1 and Lot A, B C and D of Block 2 of Gateway Business Park Subdivision, generally described as being located south of the intersection of East Mall Drive and Outfitter Road with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for E. Mall Drive shall be submitted for review and approval showing a dual water main along the principal arterial street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Outfitter Road shall be submitted for review and approval showing the street located within a minimum 70 foot wide right-of-way with an additional 10 feet of right-of-way the first 200 linear feet from the intersection with E. Mall Drive and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Discovery Circle shall be submitted for review and approval showing the street located within a minimum 70 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, sewer and water or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for the proposed access easement located between proposed Lot 4A and Lot 5 shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 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 Exception shall be submitted with the Development Engineering application; 5. 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 design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed; 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 8. Prior to submittal of the Development Engineering Plan application, the plat document shall be revised to show a maximum of two approaches along Block 2 as it abuts E. Mall Drive or the Traffic Impact Study shall be amended to address additional approach locations along the principal arterial street. 9. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). Motion carried.

Motion was made by Doyle, second by Scott to Approve (No. 16PL001) A request by Sperlich Consulting, Inc. for Villaggio LLC for a **Preliminary Subdivision Plan** for proposed Lots 1 through 9 of Block 1 and Lots 1 through 5 of Block 2 of the Villas at Villaggio, generally described as being located north of the intersection of Catron Boulevard and Vineyard Lane with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Catron Boulevard shall be submitted for review and approval showing the construction of curb, gutter, street light conduit, sidewalk and a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. 2. Upon submittal of a Development Engineering Plan application, construction plans for Vineyard Lane shall be submitted for review and approval showing street light conduit and no parking signs on one side of the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive shall be submitted for review and approval showing street light conduit, a minimum pavement width of 30 feet and no parking signs on one side of the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Villaggio Court shall be submitted for review and approval showing the street located within a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located within a minimum 104 foot diameter right-of-way with a minimum 84 foot diameter paved surface or an Exception shall be

obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering application; 5. 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 design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, the water plan shall identify if the existing 6 inch water main loop across the property is intended to be abandoned and provide information to support the abandonment or if it is determined that the 6 inch loop shall remain, the developer shall provide the loop in some configuration from either the main in Catron Boulevard or Vineyard Lane and shall connect to the main in Villaggio Lane and Golden Eagle Drive; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual; 7. Upon submittal of a Development Engineering Plan application, the plat document shall clearly show all proposed easements and easements to be vacated. In addition, letters from all of the affected utility companies shall be submitted indicating concurrence with the vacation of a utility easement; 8. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 9. Prior to Development Engineering Plan approval, 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 Registered Professional Engineer; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District to support the proposed residential development; 13. 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, 14. 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). Motion carried.

Motion was made by Doyle, second by Estes to Approve (No. 16PL003) A request by DOECK, LLC for Sperlich Consulting, Inc. for a Preliminary Subdivision Plan for proposed Outlot 1 of Auburn Hills Subdivision, generally described as being located lying north of Haines Avenue and Cobalt Drive intersection Haines Avenue and Cobalt Drive intersection with the following stipulations: 1. Upon submittal of a Final Plat, a Covenant Agreement shall be submitted for recording that secures the use of the property as open space; and, 2. A Final Plat application shall be submitted for review and approval. Motion carried.

PUBLIC HEARING ITEMS

CONSENT PUBLIC HEARING ITEMS – Items 41-46

Motion was made by Scott, second by Weifenbach and carried unanimously to approve Items 41-46 as they appear on the Consent Public Hearing Items. Estes asked to abstain from Item 44. Substitute motion by Scott, second by Lewis to approve Items 41-46 with the exception of Item 44. Motion carried.

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 Doyle, second by Drew to approve 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 7-0, with Estes abstaining.

Community Planning & Development Services Department Items

- 41. No. 15VR013 - A request by FMG Engineering for MK Land LLC, Mark McKie for a **Vacation of Right-of-Way** for property generally described as being located at 7 Omaha Street.

Resolution No. 2016-002
 RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS, it appears that the right-of-way located in a portion of right-of-way of East Boulevard adjacent to a previously vacated 30 feet wide strip adjacent to Lot 29 of Block 4, Simmons Addition, located in the NE1/4 of the NE1/4 located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as 7 Omaha Street, 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 16th day of February 16, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Alcohol Licenses

- 42. 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
- 43. 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
- 45. 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

Assessment Rolls

- 46. No. LF021016-05 - Resolution No. 2016-001B Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2016-001B
 RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTY

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 amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property 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 collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 16th day of February 16, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS

The following bills have been audited:

BILLIST - FEBRUARY 16, 2016

P/ROLL PERIOD END 01/23/16, PD 01/29/16	1,031,131.69
CDEV P/ROLL PERIOD END 01/23/16, PD 01/29/16	3,195.23
P/ROLL PERIOD END 01/31/16, PD 01/29/16	1,492,950.77
PIONEER BANK & TRUST, 01/23/16 P/ROLL TAXES & BENEFITS, PD 01/29/16	250,900.98
CDEV PIONEER BANK & TRUST, 01/23/16 P/ROLL TAXES & BENEFITS, PD 01/29/16	862.29
PIONEER BANK & TRUST, 01/31/16 P/ROLL TAXES & BENEFITS, PD 01/29/16	364,498.20
SOUTH DAKOTA RETIREMENT SYSTEM, JAN16 RETIREMENT, PD 02/08/16	451,848.64
WELLMARK INC, HEALTH CLAIMS THROUGH 02/05/16, PD 02/11/16	117,656.58
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/01/16, PD 02/02/16	4,072.49
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/08/16, PD 02/09/16	8,069.21
BERKLEY ASSIGNED RISK SERVICES, JAN16 CLAIMS, PD 02/04/16	54,108.48
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 02/05/16	9,527.03
COMPUTER BILL LIST	3,054,327.45
CDEV COMPUTER BILL LIST	31,963.48
SUBTOTAL	6,875,112.52
RSVP, P/ROLL PERIOD END 01/23/16, PD 01/29/16	3,273.60
RSVP, 01/23/16 P/ROLL TAXES & BENEFITS, PD 01/29/16	1,080.61
TOTAL	6,879,466.73

Sumption requested to add a payment to Metropolitan Life Insurance in the amount of \$5,864.31. Sumption presented the new bill list total of \$6,885,331.04. Motion was made by Laurenti, second by Estes and carried to authorize (No. CC021616-01) the Finance Officer to issue warrants or treasurers checks drawn on proper funds, in payment thereof.

Mayor called for a ten minute recess at 8:20 p.m. Meeting reconvened at 8:32 p.m.

Council Items & Liaison Reports

- 40. Review investigative report on alleged violation of Rapid City Code of Conduct for Elected Officials. (Review and discussion of the investigative report may take place in executive session pursuant to SDCL 1-25-2(1), but no action will be taken in executive session.)

Mayor acknowledged that two council members are gone. He said some options would be to acknowledge the investigative report and allow each member to share their thoughts about it. They could issue some form of critique toward Alderman Wright and the item could be done. He said Council could take an official vote that a violation of the code of conduct has been committed. According to the resolution, a vote of 7-10 is required but there are only eight members here tonight and Wright indicated he is not voting. Once there is a 7-10 majority vote that a violation has occurred, there also needs to be a 2/3 majority vote to issue a sanction by council which could include censure. Motion was made by Laurenti and second by Lewis to continue to the March 7, 2016 Council meeting. Estes supports the motion to continue and thinks all members should be present. Weifenbach stated that the citizens of Rapid City along with Wright and Sasso would like a conclusion to this matter. In response to a question from Weifenbach, Landeen said a 7-10 vote is required to find a violation and a 2/3 vote to impose a sanction. Landeen did acknowledge that the rules had changed since former Alderman Kooiker was issued a censure and became Mayor. Laurenti said this item is a very important issue facing the city and thinks every council member should be heard. Wright's attorney, Talbot Wieczorek, addressed the Council. He indicated that the City rules say a notice and time has to be given for the item to be heard and it has. He said he and Mr. Wright are ready to move forward and ask that the item be heard tonight. In response to a question from Weifenbach, Mr. Sasso agrees with the motion to continue. He said he would prefer that all council members be present. He said it makes more sense to have more council members available. He would be open to a different meeting date, which wouldn't have to be a Council meeting night. Scott stated that she will be absent for the March 7, 2016 meeting. Upon vote being taken the motion carried (4-3) the following voted AYE: Laurenti, Estes, Lewis and Drew NO: Scott, Weifenbach and Doyle. ABSTAIN: Wright

ADJOURN

There being no further business to come before the Council at this time, motion was made by Doyle, second by Estes and carried to adjourn the meeting at 8:45 p.m.

ATTEST:

CITY OF RAPID CITY

 Finance Officer

 Mayor

(SEAL)