

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 21, 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, March 21, 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, and Ritchie Nordstrom and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Amanda Scott.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Acting Public Works Director Dale Tech, Police Chief Karl Jegeris, Fire Chief Mike Maltaverne, Parks and Recreation Director Jeffrey Biegler and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor Allender and Alderpersons Estes and Drew presented the Veteran of the Month for March 2016 to John Kuckenbecker and recognized his efforts and dedication to the service of his country and community.

Mayor Allender was presented a hat from Wiley Cress, with the US Submarine Veterans Polaris Base.

GENERAL PUBLIC COMMENT

Keith Maki, Vice President of Bikers Against Child Abuse. Their group advocates for children's well being. They do not want children to be in fear of the life they live. They have monthly meetings held in Hill City. Their group requires 60 hours of minimum training and an FBI background check before they can participate in helping children. He said there are 42 kids they are helping right now. They would welcome anyone who wants to join their group and qualifies through the background check and training to help these children.

Richard Brooks addressed the Council and thanked the Veterans. He asked Council to restore the fireworks celebration back to Independence Day. He said out of respect to past and fallen veterans, they deserve to be celebrated and honored.

CONSENT ITEMS

The following items were removed from the Consent Items:

33. No. CC032116-02.3 – Approve award of Total Bid for Sports Complex Lighting - Electrical, Project No. 16-2321 / CIP No. 51110 opened on March 15, 2016 to the lowest responsible bidder, Muth Electric, Inc. in the amount of \$150,783.00.

Motion was made by Roberts, second by Lewis and carried to approve Items 3-37 as they appear on the Consent Items with the exception of Item 33.

28. Authorize staff to form a fireworks committee to determine the time and place for the fireworks display beginning in 2017.

Motion was made by Weifenbach, second by Laurenti to reconsider removing Item 28 from the Consent Items. Approve Items 3-37 as they appear on the Consent Items with the exception of Items 33 and 28.

Approve Minutes

3. Approve Minutes for the March 7, 2016 Regular Council meeting.

Tax Increment Finance Set for Hearing (April 4, 2016)

4. No. 16TI001 - A request by Black Hills Corporation to consider an application for a Resolution to a Create Tax Increment District and a Resolution to Approve a Tax Increment District Project Plan for property generally described as being located southwest corner of the intersection of S. US Highway 16 and Catron Boulevard.

Alcoholic Beverage License Applications Set for Hearing (April 4, 2016)

5. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for April 12, 2016 at Great Western Bank, 14 St. Joseph Street
6. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for April 21, 2016 at Life Scape, 7110 Jordan Drive
7. Black Hills Playhouse for a SPECIAL EVENT Wine and Malt Beverage Licenses for Events Scheduled for April 5, 2016, April 23, 2016, May 6, 2016, May 13, 2016 and May 20, 2016 at Barefoot Dance Studio, 412 5th Street

Public Works Committee Consent Items

8. PW031516-01 – Confirm the Reappointments of David Asbridge, Bob Brandt, Myron Tatum, Bill Rensch, Steve Struble, Steve Malone, Michelle Seaman, and Mark Thomas; and also Confirm the New Appointments of Jaime Stampe and Dale Schmidt to the Building Code Board of Appeals.
9. PW031516-02 – Approve Change Order No. 2 to RCS Construction for North Rapid Booster Station Reconstruction, Project No. 13-2080 / CIP No. 50812.A, for an increase of \$6,164.59.
10. PW031516-03 – Approve Change Order No. 1 to Simon Contractors DBA Hills Materials Company for St Andrew and St Charles Street Sanitary Sewer and Water Reconstruction Project, Project No. 14-2168 / CIP No. 50959, for an increase of \$17,214.44.
11. PW031516-04 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Banner Associates for East Rapid City Water Expansion, Project No. 13-2107/CIP No. 50964, to add additional Banner Staff resources to the project and Exhibit C. No cost change.
12. PW031516-05 – Authorize Mayor and Finance Officer to Sign Assignment Agreement between the City of Rapid City and Dream Design International to Assign the Existing Contract to KTM Design Solutions for Rapid Valley Sanitary Sewer Bypass, Project No. 13-2076 / CIP No. 50911.
13. PW031516-06 – Approve Request for Stormwater Drainage Utility Fee Abatement for “Black Hills Workshop and Training Ctr” for Tax ID 38687, \$1,916.33 (2015), \$1,916.33 (2016); and “Black Hills Workshop Foundation Inc” for Tax ID 45481, \$1,113.71(2015), \$1,113.71(2016); and Tax ID 45482, \$742.99(2015), \$742.99(2016).
14. PW031516-07 – Request to Purchase Two (2) 4x4 Extended Cab Short Box Pickups using State Contract #16866 in the amount of \$48,148.00.

Legal & Finance Committee Consent Items

15. No. LF031616-15 – Confirm Appointments of Becky Drury and Betty Finley to the Rapid City Library Board of Trustees

16. No. LF031616-02 – Resolution No. 2016-017 to Update Change Funds

RESOLUTION 2016-017
A RESOLUTION TO UPDATE CHANGE FUNDS

WHEREAS, the City Council previously adopted Resolution 2014-003 Establishing and Re-Establishing Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2014-096 A Resolution to Update Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-013 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-075 A Resolution to Update Change Funds; and

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the following increase to the existing change fund and following new change fund are to be made:

Parks & Rec	Horace Mann Admission CF	increase to \$300.00
Parks & Rec	Horace Mann Concession CF	\$175.00

NOW, THEREFORE, BE IT RESOLVED, that the Parks & Recreation Horace Mann Admission Change Fund be increased by \$150 and the Parks & Recreation Horace Mann Concession Change Fund be set at \$175.00

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

17. No. LF0316-16-03 – Resolution No. 2016-021A Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2016-021A
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 21st day of March, 2016. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 18th day of April, 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 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

18. No. LF031616-04 – Drew moved to approve Resolution No. 2016-025 Writing Off Uncollectible Account Receivable Accounts (Parking Violations).

RESOLUTION 2016-025
 RESOLUTION WRITING OFF UNCOLLECTIBLE ACCOUNT RECEIVABLE ACCOUNTS
 (PARKING VIOLATIONS)

WHEREAS the City Finance Office has determined that certain accounts receivable accounts for parking violations, shown on Attachment A and filed in the Finance Office, and totaling \$106,756.18 are uncollectible; and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 19. No. LF031616-05 – Acknowledge January 2016 Sales Tax Report
- 20. No. LF031616-06 – Acknowledge February 2016 General Fund Cash Balance Report
- 21. No. LF031616-07 – Approve Request for Property Tax Abatement as Follows: David L. Brown, 2015, \$242.82
- 22. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: C. Patrick Havener, Jamie Lowry, Willianto Kurniawan
- 23. No. LF031616-08 – Approve Resolution No. 2016-026 to Amend the City of Rapid City Compensation Plan by Establishing the New Position of Solid Waste Mechanic III within Public Works.

RESOLUTION NO. 2016-026
 RESOLUTION TO AMEND THE CITY OF RAPID CITY
 COMPENSATION PLAN BY ESTABLISHING
 THE NEW POSITION OF SOLID WASTE MECHANIC III WITHIN PUBLIC WORKS

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

WHEREAS, respective Leaders within City Management request recommend that the new position of Solid Waste Mechanic III be created; and

WHEREAS, the duties and responsibilities of the below listed position have been reviewed by the City of Rapid City’s Human Resources Manager along with the acting Public Works Director; 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 adding the position of Solid Waste Mechanic III to the respective pay scale; and

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:

ADD TO THE AFSCME UNION PAY SCALE

Position Title	Pay Scale	Grade	Classification	SALARY RANGE	
				Min	Max
Solid Waste Mechanic III	AFSCME Union	15	Non-Exempt	\$38,364.68	\$59,077.11

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

(SEAL)

- 24. No. LF031616-09 – Approve FY2015 Community Development Block Grant Reallocation of Funds
- 25. No. LF031616-10 – Authorize Submission of Historic Preservation Commission Certified Local Government Grant Application for 2016-2017 and Receipt of Funds Associated with the Grant.
- 26. No. LF031616-11 – Approve request from Austin Konold and Colleen VanderMay to Authorize Serving and Consumption of Alcohol (Not Sale) at Wedding Dinner on Property Owned by the City at the Location Immediately East of Canyon Lake Resort on June 4, 2016 from 5:00 p.m. to Midnight.
- 27. Approve Request from Doyle Estes to Have the Council Reconsider its Previous Decision to Not Allow Him or Any of His Entities from Posting Subdivision Surety.
- 29. No. LF031616-12 – Authorize Mayor and Finance Officer to Sign Life Safety Loan Agreement with Ramada Inn in an Amount Not to Exceed \$320,000 Contingent upon Receiving an Irrevocable Letter of Credit (to be approved by the City Attorney’s Office).

Community Planning & Development Services Department Consent Items

- 30. 16CA001 – Approve an Amendment to the Comprehensive Plan to adopt the County Heights Drainage Basin Design Plan

Resolution 2016-012

RESOLUTION AMENDING THE COMPREHENSIVE PLAN BY ADOPTING THE COUNTY HEIGHTS DRAINAGE BASIN DESIGN PLAN AMENDMENT

WHEREAS, the City of Rapid City has engaged in the comprehensive planning process for the physical development of the municipality, including the areas outside the boundary and within its planning jurisdiction since the initial “City Plan” was adopted in 1949; and

WHEREAS, the Planning Commission of the City of Rapid City, after careful study and a public hearing in accordance with SDCL 11-6-17, recommends to this Council an amendment to the environmental element of the comprehensive plan for the Rapid City area titled “County Heights Drainage Basin Design Plan Amendment”; and

WHEREAS, the Planning Commission of Rapid City carefully considered the document titled “County Heights Drainage Basin Design Plan Amendment” dated January 2016 with the accompanying maps, plats, charts and descriptive and explanatory matter, and as it encompasses the basic objectives, policies and principles of the Rapid City Comprehensive Plan, hereby recommends it for approval; and

WHEREAS, the City Council of Rapid City South Dakota, held a public hearing in accordance with SDCL 11-6-17 on the proposed revisions to the Rapid City Comprehensive Plan for the City of Rapid City, South Dakota and finds that said plan constitutes a suitable, logical and timely environmental plan for the future development of the Rapid City area; and

WHEREAS, the County Heights Drainage Basin Design Plan Amendment constitutes a suitable, logical, and timely environmental plan for future development of Rapid City.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the document consisting of text, maps and charts, entitled "County Heights Drainage Basin Design Plan Amendment" and dated January 2016, amends the environmental element of Rapid City's Comprehensive Plan by adding thereto the County Heights Drainage Basin Design Plan Amendment in accordance with SDCL 11-6.

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Bid Award Consent Items

31. No. CC032116-02.1 – Approve award of Total Bid for Tennis Courts and Play Courts Surfacing, Project No. PR16-6128 opened on March 15, 2016 to the lowest responsible bidder, Pro Track & Tennis, Inc. in the amount of \$230,031.00
32. No. CC032116-02.2 – Approve award of Total Bid for West Memorial Park Parking Lot Rehabilitation, Project No. 15-2312 / CIP No. 51107 opened on March 15, 2016 to the lowest responsible bidder, Complete Concrete, Inc. in the amount of \$154,678.00.
34. No. CC032116-02.4 – Approve award of Total Bid for One (1) New Current Model Year Vacuum Street Sweeper, opened on March 15, 2016 to Sheehan Mack Sales & Equipment in the amount of \$237,900.00
35. No. CC032116-02.5 – Approve award of Total Bid for One (1) New Current Model Year Single Axle Medium-Duty Dump Truck with Slide-in Sander and Optional Plow, opened on March 15, 2016 to Eddie's Truck Center in the amount of \$157,575.00
36. No. CC032116-02.6 – Approve award of Total Bid for One (1) New Current Model Year Tandem Axle Dump Truck with Slide-in Sander and Plow, opened on March 15, 2016 to Eddie's Truck Center in the amount of \$153,824.00
37. No. CC032116-02.7 – Approve award of Total Bid for One (1) New Current Model Year Single Axle Medium Duty Sander with Plow, opened on March 15, 2016 to Boyer Trucks in the amount of \$114,920.00

END OF CONSENT ITEMS

Motion was made by Estes, second by Wright to (No. CC032116-02.3) approve award of Total Bid for Sports Complex Lighting – Electrical, Project No. 16-2321 / CIP No. 51110 opened on March 15, 2016 to the lowest responsible bidder, Muth Electric, Inc. in the amount of \$150,783.00. Motion carried 8-0 with Doyle abstaining.

Motion was made by Weifenbach, second by Roberts to authorize staff to reinstate fireworks in July 2017. Weifenbach does not feel a committee is needed and would just like to vote to reinstate the fireworks for Independence Day 2017. Laurenti is in favor of moving fireworks from New Year's to Independence Day. He said it needs to be changed to honor the people who have served our country. He doesn't think a committee is needed. Drew supports the motion. She thinks the fairgrounds might be

a good option. Roberts said he thought they were moved to New Year's due to severe drought. He thinks it's important to reinstate them on the 4th of July. In response to a question from Wright, Sumption, said \$30,000 is in 2016 budget for fireworks. Motion carried 9-0.

NON-CONSENT ITEMS

Lee Geiger (No. LF030216-17) property owner in art alley addressed the Council. He asked them to vote in favor of this ordinance. He said there are false rumors that the alley was open to anyone who wanted to do art. He said without the ordinance, the artists are unstoppable, unrestricted, and rules are unenforceable. Police had difficulty enforcing the law since they didn't know if permission was given to the artist. Several have met with art council, the police department and the city attorney's office. He said all of the owners want the ordinance except for one that they know of. Dahl staff has volunteered to do the permit system. He urged for the property owners to have control of their property.

Nathan Denholm (No. 16RZ005) spoke against the rezone. He said Westhills Village wants to rent 59-73 living units and 106 parking spaces. He doesn't want this structure in his neighborhood. He stated the corporation wants you to think this won't depreciate their value. He has lived in his home for 39 years. He doesn't want his view to be of a huge building. He feels this is wrong to the home owners in the area.

Darryl Reinicke (No. 16RZ005) is employed with Westhills Village. He said the main level of living is the same as current level of current houses. He said areas to the east are within a couple feet of existing homes. They are focusing on a residential look. He said assisted living has low traffic. They have nice green spaces between campus and the residential area. The number of apartments is between 40-50. He said they will take care of the area and are willing to hear neighbor's suggestions and work with them as much as they can. They would like Council to vote in favor of this rezone.

Ordinances

Ordinance 6102 (No. LF030216-17) An Ordinance Designating the Rapid City Fine Arts Council as the Entity Responsible for the Management and Coordination of Artistic Activities in the Area Commonly Known as Art Alley by Adding Section 2.80.060 to the Rapid City Municipal Code having passed its first reading on March 7, 2016 motion was made by Nordstrom, second by Drew that the title be read the second time. Weifenbach said he supports the property rights of owners, but still thinks they can say yes or no with an ordinance. He is willing to accept the solution but not through the permitting process. Nordstrom thanked the Arts Council, artist community and building owners. He said Pepper Massey is volunteering to take over the permitting process. He sees nothing but good things happening out of this. He said the building owners are involved in the process and concept of what they allow on their building. In response to a question from Laurenti, Massey said the owners are part of the approval process and this will deepen the relationship between the artist and owner. Laurenti said if the artist has permission from the owner then why does the City need the ordinance process. He does not believe it's a good idea to be adopt this ordinance. Drew said the City has the responsibility to the owners to be involved. Roberts sees the importance of a permit but not in the ordinance. He sees a lot of negative on the ordinance. In response to a question from Drew, Jegeris said there isn't going to be change overnight. He said there is one property owner that is hostile to doing this ordinance. In response to a question from Weifenbach, Jegeris confirmed there used to be a graffiti task force. Nordstrom said art alley has created a unique culture. There are a lot of artists that are well intended and don't think their art is graffiti. He believes working with the arts council is the best solution. In response to a question from Doyle, Jegeris said the area will be patrolled. There will be signs directing them to the arts council to get a permit. Doyle said because the business owners and police department are asking for this ordinance, she will support it. Lewis said art alley is unique to our area and definitely an attraction for some people. It gives the artist an area to express their creativity. He thinks this is a good compromise and supports the motion. Upon vote being taken, the following voted AYE: Wright, Doyle, Estes, Lewis, Drew and Nordstrom; NO: Roberts, Laurenti and Weifenbach; whereupon the Mayor declared the motion passed 6-3 and Ordinance 6102 was declared duly passed upon its second reading.

Ordinance 6095 (No. 16RZ002) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Sperlich Consulting, Inc for Scott and Janice Zandstra for a **Rezoning from General Agricultural District to Low Density Residential District II** for property generally described as being located north of the intersection of Gemstone Drive and Parkview Drive. Motion was made by Nordstrom, second by Roberts and carried that Ordinance 6095 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016.

Ordinance 6096 (No. 16RZ003) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Sperlich Consulting, Inc for Villaggio LLC for a **Rezoning from General Agricultural District to Low Density Residential District** for property generally described being located northeast of the intersection of Catron Boulevard and Vineyard Lane. Motion was made by Nordstrom, second by Roberts and carried that Ordinance 6096 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016.

Ordinance 6097 (No. 16RZ004) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Renner and Associates, LLC for a **Rezoning from Low Density Residential District to Medium Density Residential District** for property generally described as being located northeast corner of the intersection of 5th Street and Nebraska Street. Motion was made by Nordstrom, second by Drew that Ordinance No. 6097 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016. Weifenbach said he had heard from a few residents in the area. He believes Westhills Village has been a good neighbor. He understands both positions. He knows this is a really nice area of Robbinsdale. He believes this facility provides a good resource to the elderly in our community. He said it's imperative the City gets the drainage issue right. Dale Tech said there are stringent criteria regarding the flood plain. In response to a question from Laurenti, Reinicke said there are opportunities by neighbors to give their input. He said the process is just getting underway, but they would allow input from neighbors. Doyle thanked Reinicke for keeping the peacefulness in the area. Motion carried 9-0.

Ordinance 6098 (No. 16RZ005) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Renner Associates, LLC for a **Rezoning from Low Density Residential District to Medium Density Residential District** for property generally described as being located south of Texas Street and north of Freedom Court. Motion was made by Nordstrom, second by Roberts and carried that Ordinance 6098 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016. Nordstrom thanked Mr. Reinicke for his cooperation and good atmosphere there. He was not hearing concern of tall building. Motion carried 9-0.

Ordinance 6099 (No. 16RZ006) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions for Hagg Brothers LLC for a **Rezoning from General Commercial District to Office Commercial District** for property generally described as being located south of Moon Meadows Drive and east of Highway 16. Motion was made by Nordstrom, second by Roberts and carried that Ordinance 6099 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016.

Ordinance 6100 (No. 16OA001) An Ordinance to **Add Microbreweries as a Conditional Use in the Central Business District** by Amending Section 17.16.030 of the Rapid City Municipal Code. Motion was made by Nordstrom, second by Drew that Ordinance 6100 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016. Roberts thanked staff for more economic development downtown. Nordstrom thanked Planning for the information regarding microbreweries. Motion carried 9-0.

Ordinance 6101 (No. LF031616-13) An Ordinance to **Codify the Process for Commercial Parking Permits** by Adding Section 10.44 to the Rapid City Municipal Code. Motion was made by Nordstrom,

second by Roberts and carried that Ordinance 6101 be placed upon its first reading and the title was fully and distinctly read and the second reading set for Monday, April 4, 2016.

Public Works Committee Items

Dan Coon, City Engineer, presented (PW031516-08) to Adopt Water Reclamation Facility - Facility Plan dated February 16, 2016. Coon said many people were involved regarding this plan including Dave VanCleave, HDR Engineering, Dan Grabber, and Chris Robinson. Coon explained the purpose of planning and the last plan was adopted in 2000. He said they needed to do a new facility plan. The key item is the regulatory changes coming down the road. The current permit was issued in 2000 and is administratively renewed every five years. There are new ammonia discharge standards based on updated rapid creek water quality. He addressed permit #1 through #4 from today through 2035. Potential improvements of \$62 million dollars at the facility, most critical under permit #2 and permit #3. They are not requesting any funding but would like an adoption of the plan. Coon said any specific projects will be brought forward to the Council to vote on. Motion was made by Nordstrom, second by Doyle to adopt the plan. Nordstrom thanked the department for their work on the presentation and on the long term plan. He's proud of being part of the facility while employed with City. Estes wanted to verify that Council was not signing onto a \$62 million plan. Coon said when permit #1 is issued then dollar amounts will come forward. He said there may be small increases with the rates to anticipate the changes. Coon explained that Congress passes a law, than it gets passed onto EPA, then to the states. There may be a small increase now to build the fund when we need it. Government won't back off of EPA regulations. We need to start putting money aside for the future. The EPA is trying to protect the environment and invest in our future. Wright said it was a well done report. Weifenbach appreciates Estes asking the tough questions. In response to a question from Laurenti, VanCleave said revenues are healthy, around \$11 million but half go to capital improvement projects. He said they need to plan for the future. Motion carried 9-0.

Motion was made by Doyle, second by Nordstrom to (PW031516-09) send this item back to CIP for Discussion and Direction on New Roof for the Minneluzahan Senior Center. Weifenbach hopes it gets immediate attention. He feels they are in a dire situation. In response to a question from Weifenbach, Sumption stated they have CIP contingency money available if they choose to use it. Mayor suggested an update to the agreement with Minneluzahan Senior Center since it dates back to 1976. Wright said they can use other funding such as undesignated cash. Wright feels a Special Meeting should be called for CIP to discuss this item. In response to a question from Roberts, Sumption said the City still needs three quotes even if it's an emergency. She said anything over \$50,000 needs bids. Mayor would like new agreement brought to the next Legal and Finance meeting. He said there are a lot of grey areas regarding the Minneluzahan Center. Roberts said if water is leaking then it will cause more damage. Roberts asked if this could still be filed as a hail claim. Nordstrom supports the motion to send back to CIP to find funding. A suggestion was made that Rod Johnson be involved. Nordstrom said staff can help with funding sources. Motion carried 9-0 to send back to CIP Committee.

Legal & Finance Committee Items

Elizabeth Cook-Lynn, President of First Nations Sculpture Garden, presented (No. LF031616-14) and requested City funding of \$150,000.00 to be used toward bronzing statues in the First Nations Sculpture Garden Project. She said this project is about preserving history. She showed sculptures of Charles Eastman, Oscar Howe, Nicolas Black Elk, and Vine Deloria which will be used in the garden. She said the group hired Mike Stanley as the landscape architect for the project. Scull Construction volunteered to do the work. She said the group has received funding from different states and would like the City to contribute. Wright voiced his support for the project. He offered to be the City Liaison and offered to help find community funding sources. Drew appreciates the project and that it has room to expand. Cook-Lynn said the group made an excellent choice in the people they chose to help with the project. She said it's not a tourist attraction but an understanding of the Lakota people. In response to a question from Lewis, Biegler said the original budget was around \$2 million dollars. Weifenbach said he believes there needs to be a story told for the native population. He said the City would provide land, maintenance and

security. He appreciates everyone who has been involved in the project. Roberts thinks the project is a great idea. He said it's a teaching tool for the Native American and White community. Estes asked what the funding source would be for the money the group is requesting. He thinks it's very early to supply the money. Motion was made by Weifenbach, second by Nordstrom to acknowledge the presentation. Substitute motion was made by Roberts, second by Lewis to allow Wright to be the Liaison and help the group look into funding. Motion carried 9-0.

Community Planning & Development Services Department Items

Doyle read in the item and yielded the floor. In response to a question from Estes, Landeen said that stipulation 11 needed to be changed to read as follows: Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed or surety posted; Motion was made by Lewis, second by Drew and carried to approve as amended (No. 15PL105) A request by Sperlich Consulting, Inc. for Dakota Heartland Inc. for a Preliminary Subdivision Plan for proposed Lots 2 thru 3 of Block 2 of Big Sky Business Park, generally described as being located south of existing intersection of Homestead Street and Timmons Boulevard with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, the redline comments on the preliminary plans 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 showing the installation of a sewer main along Homestead Street 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 for Elk Vale Road shall be submitted for review and approval showing the construction of curb and gutter 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. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council; 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 or an Exception shall be obtained. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Utility easements shall also be provided as needed; 5. Upon submittal of a Development Engineering Plan application, sewer plans prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval or an Exception shall be obtained. The sewer data shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, utility easements shall be provided as needed; 6. 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. Final subdivision improvement plans in accordance with the City's plan preparation and drafting standards shall be provided. All public water and sewer improvements require the review and approval of the South Dakota Department of Environment and Natural Resources. 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; 7. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as necessary; 8. Upon submittal of a Development Engineering Plan application, a grading plan and an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval; 9. 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; 10. Upon submittal of a Development

Engineering Plan application, a cost estimate of any required subdivision improvements shall be submitted for review and approval; 11. Prior to submittal of a Final Plat application, all required subdivision improvements shall be completed or surety posted; 12. Upon submittal of a Final Plat application, 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.

Motion was made by Doyle, second by Weifenbach and carried to approve (No. 16PL011) A request by Fisk Land Surveying and Consulting Engineers, Inc. for William Rensch for a Preliminary Subdivision Plan for Lots A1 and A2 of East Ten Acres Subdivision, generally described as being located 3806 West Main Street with the following stipulations: 1. Prior to submittal of the Development Engineering Plan application, redlined comments shall be addressed. Upon submittal of the Development Engineering Plan application, the redlined comments and the revised drawing(s) as per the redline comments shall be submitted for review and approval or an Exception to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment shall be obtained. If an Exception is obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for West Main Street shall be submitted for review and approval showing the dedication of 17 additional feet of right-of-way and the construction of a dual 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for 38th Street shall be submitted for review and approval showing one additional foot of pavement width for a total of 26 feet 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. Prior to approval of a Development Engineering Plan application, an Exception shall be obtained to reduce the required 8 foot wide minor drainage and utility easement for the area of the existing garage encroachment along the west lot line of proposed Lot A2. As a part of the Exception request, written documentation from the utility companies indicating concurrence with the request shall be submitted. If the Exception is not obtained, then the garage encroachment shall be removed; 5. 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 if subdivision improvements are required. 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; 6. 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; 7. 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; 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. Prior to submittal of a Final Plat application, the portion of the garage encroaching into the 8 foot wide side yard setback on proposed Lot A2 shall be removed or surety shall be posted to ensure that it is removed in a timely manner; 10. 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, 11. 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 was made by Doyle, second by Weifenbach and carried to approve (No. 16PL012) A request by Fisk Land Surveying and Consulting Engineers, Inc for Founders Park LLC for a Preliminary Subdivision Plan for Lots 4, 5A and 5B of Founders Park Subdivision, generally described as being located west of Founders Park Drive with the following stipulations: 1. Upon submittal of a Development Engineering Plan

application, construction plans for the public access easement(s) shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with curb, gutter, sidewalk, street light conduit and water along the southern portion of the easement 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, a site plan showing separate water and sewer services to each lot in conformance with City Standards shall be submitted for review and approval 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, confirmation that street light conduit exists along Founders Park Drive shall be submitted or construction plans shall be submitted for review and approval showing the installation of street light conduit 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, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision improvements are required. 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; 5. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Registered Professional Engineer; 6. 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; 7. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show the lots labeled as Lots 3, 4 and 5; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to dimension and label the proposed 4.5 foot wide additional right-of-way being dedicated along Founders Park Drive; 10. Prior to submittal of a Final Plat application, the standard 8 foot wide minor drainage and utility easement note shall be revised to exempt the common lot line between Lots 5A and 5B. In addition, a note shall be added dedicating a 6 foot wide maintenance easement along this common lot line; 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).

CONSENT PUBLIC HEARING ITEMS

Motion was made by Estes, second by Nordstrom and carried unanimously to approve Items 52-54 as they appear on the Consent Public Hearing Items.

Alcohol Licenses

52. Dadah Kids Corp. DBA Pauly's Pizzeria & Sub Co., 1624 E St Patrick Street #101 for a Retail (on-off sale) Wine License
53. Rapid City Central High School Baseball for a SPECIAL EVENT Malt Beverage License for an Event Scheduled for April 2, 2016 at RCPO T-OP Lodge 2, 3050 Eglin Street

Assessment Rolls

54. No. LF031616-01 – Resolution No. 2016-007B Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2016-007B
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 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS

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 having passed the first reading on March 7, 2016 motion was made by Nordstrom, second by Roberts, that the title be read the second time. Upon vote being taken, the following voted AYE: Laurenti, Wright, Weifenbach, Doyle, Estes, Lewis, Drew, Roberts and Nordstrom: NO: None; whereupon the Mayor declared the motion passed and Ordinance 6089 was declared duly passed upon its second reading.

Motion was made by Nordstrom, second by Drew to Approve No. 16TI002 A Request by KS West, LLC and SK East, LLC to Consider an Application for a Resolution Creating Buffalo Crossing Tax Increment District and Project Plan. Upon vote being taken, the following voted AYE: Wright, Weifenbach, Lewis, Drew, Roberts, Nordstrom; NO: Laurenti, Doyle, Estes. Motion carried 6-3.

**RESOLUTION NO. 2016-010
RESOLUTION CREATING BUFFALO CROSSING TAX INCREMENT DISTRICT
NUMBER SEVENTY-SIX
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 (25%), by area, of the real property within the district is a blighted area or not less than fifty percent (50%), 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 as defined in SDCL 11-9-8; and

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

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

Tract 1 of the Waterslide Addition, the unplatted balance of the S1/2SE1/4NW1/4 of Section 26, the unplatted balance of the NE1/4SW1/4 of Section 26, and a portion of the Catron Boulevard dedicated right-of-way extending from the eastern boundary of U.S. Highway 16 dedicated right-of-way to the eastern boundary of Wellington Drive dedicated right-of-way located in the NW 1/4 of Section 26, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota

is hereby designated as Rushmore Corridor Redevelopment aka Buffalo Crossing Tax Increment District Number Seventy-Six.

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

**RESOLUTION NO. 2016-011
RESOLUTION APPROVING THE PROJECT PLAN FOR BUFFALO CROSSING TAX INCREMENT
DISTRICT NUMBER SEVENTY-SIX
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 Buffalo Crossing Tax Increment District Number Seventy-Six; and

WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, this Tax Increment District includes commercial property, thereby forming an economic development Tax Increment District; and

WHEREAS, the Project Plan submitted helps make this development feasible by assisting with the costs to construct Healing Way from Catron Boulevard south approximately 2,100 feet, to install a 12-inch water main extending south from Catron Boulevard approximately 2,100 feet, to install a traffic signal at Catron Boulevard and Healing Way, and to construct a turn lane on Catron Boulevard from Healing Way to the western most Wellington Drive; 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 Buffalo Crossing Tax Increment District Number Seventy-Six 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 Buffalo Crossing Tax Increment District Project Plan for Tax Increment District Number Seventy-Six be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

BILLS

The following bills have been audited.

BILLIST - MARCH 21, 2016

P/ROLL PERIOD END 03/05/16, PD 03/11/16	1,072,321.57
CDEV P/ROLL PERIOD END 03/05/16, PD 03/11/16	3,195.24
PIONEER BANK & TRUST, 03/05/16 P/ROLL TAXES & BENEFITS, PD 03/11/16	260,278.99
CDEV PIONEER BANK & TRUST, 03/05/16 P/ROLL TAXES & BENEFITS, PD 03/11/16	860.28
SOUTH DAKOTA RETIREMENT SYSTEM, FEB16 RETIREMENT, PD 03/07/16	440,987.94
WELLMARK INC, HEALTH CLAIMS THROUGH 03/04/16, PD 03/10/16	94,537.12

WELLMARK INC, HEALTH CLAIMS THROUGH 03/11/16, PD 03/17/16	48,668.35
WAGE WORKS, SECTION 125 CLAIMS THROUGH 03/07/16, PD 03/08/16	6,520.12
WAGE WORKS, SECTION 125 CLAIMS THROUGH 03/14/16, PD 03/15/16	8,649.48
BANK WEST, TID54 RAINBOW RIDGE, PD 03/18/16	6,536.72
BANK WEST, TID56 RUSHMORE CROSSING, PD 03/18/16	796.89
BANK WEST, TID65 MINNESOTA ST, PD 03/18/16	22,156.85
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 03/18/16	151.79
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 03/18/16	19,277.30
CITY OF RAPID CITY, TID64 CABELA'S, PD 03/18/16	100,221.69
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 03/18/16	7,510.43
THF STONERIDGE DEVELOPMENT, TID71 S ROBBINSDALE, PD 03/18/16	3,532.46
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 03/17/16	27,588.18
BLACK HILLS ENERGY, ELECTRICITY, PD 03/17/16	12.00
COMPUTER BILL LIST	4,089,094.85
CDEV COMPUTER BILL LIST	12,130.61
SUBTOTAL	6,225,028.86
RSVP, P/ROLL PERIOD END 03/05/16, PD 03/11/16	3,273.59
RSVP, 03/05/16 P/ROLL TAXES & BENEFITS, PD 03/11/16	1,073.52
RSVP, COMPUTER BILL LIST	231.31
TOTAL	6,229,607.28

Sumption presented the bill list total of \$6,229,607.28. Motion was made by Roberts, second by Drew and carried to authorize (No. CC032116-01) 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 Drew and carried to adjourn the meeting at 9:41 p.m.

Dated this 21st day of March, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)