

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 20, 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, June 20, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Steve Laurenti, Jerry Wright, Brad Estes, Chad Lewis, Darla Drew, John Roberts, Ritchie Nordstrom and Amanda Scott and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Ron Weifenbach and Charity Doyle.

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Acting Public Works Director Dale Tech, Police Chief Karl Jegeris, Assistant Fire Chief Rod Seals, Community Resources Director Jeff Barbier, Parks and Recreation Director Jeffrey Biegler, Solid Waste Operations Manager Karl Merbach and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor Allender presented the Veteran of the Month for June 2016 to David Gross and recognized his efforts and dedication to the service of his country and community.

GENERAL PUBLIC COMMENT

Steve Stenson, who is running for House of Representatives in District 34, addressed the Council. He does stress management workshops. He offered his service to work with law enforcement and other City organizations on future workshops. He thanked Council for their work and dedication.

CONSENT ITEMS

The following items were removed from the Consent Items:

29. No. 16TP015 – 2017-2020 Approve Transportation Improvement Program – Draft.

Motion was made by Estes, second by Drew and carried to approve Items 3-37 as they appear on the Consent items with the exception of Item 29.

Approve Minutes

3. Approve Minutes for the June 6, 2016 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (July 18, 2016)

4. No. 16VR007 - A request by AE2S for Black Hills Federal Credit Union for a Vacation of Right-of-Way for property generally described as being located west of 2nd Street and north of Main Street.

Alcoholic Beverage License Applications Set for Hearing (July 5, 2016)

5. Ride Therapy Project for a SPECIAL EVENT Off-Sale Package Dealer for an Event Scheduled for July 30 – August 13, 2016 at Black Hills Harley Davidson, 2820 Harley Drive

Public Works Committee Consent Items

6. No. PW061416-01 – Approve Change Order #1F for Commerce Road Sanitary Sewer, Project No. 15-2260 / CIP No. 51090 to Rapid Construction for decrease in the amount of \$22,687.47.

- 7. No. PW061416-02 – Approve Change Order #1F for Pavement Rehabilitation Project – Disk Drive Panel Repair, Project No. 15-2291 / CIP No. 50445 to J.V. Bailey for an increase of \$5,091.50.
- 8. No. PW061416-03 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and the Evangelical Lutheran Good Samaritan Society for Oversize Water Main Cost Reimbursement, not to exceed \$34,230.00.
- 9. No. PW061416-04 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement between the City of Rapid City and FMG, Inc. for Fulton Street Reconstruction, Project No. 15-2223 / CIP No. 50872 in the amount of \$16,030.00.
- 10. No. PW061416-05 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Sperlich Consulting, Inc. for E. Idaho Street, E. Nevada Street, Ivy Avenue Street and Utility Reconstruction and Meade/Hawthorne Drainage Element 221 Improvements Project No. 15-2253 / CIP No. 50421.3-1A and Willow Avenue, Ivy Avenue, Fairlane Drive Project No. 15-2254 / CIP No. 50421.3-1B in the amount of \$57,775.00.
- 11. No. PW061416-06 – Approve Contract Renewal with Blackstrap, Inc. for Road Salt for one year. Estimated cost \$500,000.00.

Legal & Finance Committee Consent Items

- 12. No. LF061516-01 – Approve Firehouse Brewing Company’s Special Event Application for Sturgis Rally Motorcycle Parking
- 13. No. LF061516-05 –Resolution No. 2016-047 a Resolution to Write Off Uncollectable Ambulance Billing Accounts

Resolution No. 2016-047
 RESOLUTION WRITING OFF UNCOLLECTABLE
 AMBULANCE BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain ambulance billing accounts, shown on Appendix A, attached, and totaling \$359,566.63 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, by the City of Rapid City, that the City Finance Officer be directed to remove such accounts from the active receivable of the City, said accounts being detailed in the official files of the City Finance Office.

BE IT FURTHER RESOLVED that these fees shall remain in place until changed by an act of the City Council.

Dated this 20th day of June, 2016

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 14. No. LF061516-06 – Authorize Staff to Apply for and Accept if Granted a FEMA 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$1,076,121.
- 15. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Shelby Delgado, Rebecca Katus
- 16. No. LF061516-04 – Acknowledge April 2016 Sales Tax Report
- 17. No. LF061516-02 – Resolution No. 2016-041 to Approve July 1, 2016-June 30, 2017 Renewal for City of Rapid City Healthcare Plan

RESOLUTION No. 2016-041
 RESOLUTION TO APPROVE JULY 01, 2016 - JUNE 30, 2017 RENEWAL
 FOR CITY OF RAPID CITY HEALTHCARE PLAN

WHEREAS, the Healthcare Committee voted on May 26, 2016 to recommend annual healthcare plan renewal with Wellmark BlueCross Blue Shield as the City’s third party administrator and excess insurance carrier; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City approves renewal with Wellmark Blue Cross Blue Shield; and

BE IT FURTHER RESOLVED that benefited employees shall be required to share a pro-rata amount of the employee and City cost, based on their budgeted percentage of full-time equivalent (FTE); however, part-time benefited employees shall be allowed to decline health plan coverage in lieu of such contributions.

BE IT FURTHER RESOLVED that these fees shall remain in place until changed by an act of the City Council.

Dated this 20th day of June, 2016

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 18. No. LF061516-07 – Approve Resolution No. 2016-044 to Create Position of Police Administrative Coordinator.

RESOLUTION NO. 2016-044
 RESOLUTION TO AMEND THE CITY OF RAPID CITY
 COMPENSATION PLAN BY ESTABLISHING
 THE NEW POSITION OF POLICE ADMINSTRATIVE COORDINATOR WITHIN THE POLICE
 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 recommend that the new position of Police Administrative Coordinator 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 Police Chief; 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 adding the position of Police Administrative Coordinator 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 NON-UNION PAY SCALE

Position Title	Pay Scale	Grade	Classification	SALARY RANGE	
				Min	Max
Police Administrative Coordinator	Non-union	16	Non-Exempt	\$43,788.28	\$65,977.21

BE IT FURTHER RESOLVED that these fees shall remain in place until changed by an act of the City Council.

Dated this 20th day of June, 2016

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- No. LF061516-08 – Approve Resolution No. 2016-045 to Create Position of Police Technology and Records Manager.

RESOLUTION NO. 2016-045
 RESOLUTION TO AMEND THE CITY OF RAPID CITY
 COMPENSATION PLAN BY ESTABLISHING
 THE NEW POSITION OF POLICE TECHNOLOGY AND RECORDS MANAGER
 WITHIN THE POLICE 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 recommend that the new position of Police Technology and Records Manager 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 Police Chief; 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 adding the position of Police Technology and Records Manager to the respective pay scale and the position of Police Records Supervisor be removed from 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 NON-UNION PAY SCALE

Position Title	Pay Scale	Grade	Classification	SALARY RANGE	
				Min	Max
Police Technology and Records Manager	Non-union	20	Exempt	\$53,351.13	\$80,386.21

BE IT FURTHER RESOLVED that these fees shall remain in place until changed by an act of the City Council.

Dated this 20th day of June, 2016

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 20. No. LF061516-03 – Authorize Mayor and Finance Officer to Sign the Request for Release of Funds and Certification for Black Hills Area Habitat for Humanity’s Environmental Assessment

CIP Committee Consent Items

- 21. No. CIP052016 – Acknowledge Capital Improvement Program Committee Monthly Update for May 2016

22. No. CIP052016-02 – Approve Capital Plan for Streets, Drainage, MIP Projects for May 2016
23. No. CIP052016-03 – Approve Capital Plans for Government Facilities for May 2016
24. No. CIP052016-04 – Approve Capital Plans for Government Facilities – CSAC Maintenance for May 2016
25. No. CIP052016-05 – Approve Capital Plans for Government Facilities – Fire and Emergency Services for May 2016
26. No. CIP052016-06 – Approve Capital Plan for Government Facilities - Parks & Recreation for May 2016
27. No. CIP052016-07 – Approve Capital Plan for Information Technology for May 2016

Metropolitan Planning Organization Consent Items

28. No. 16TP014 – 2016-2019 Approve Transportation Improvement Program Amendment 16-003.

Bid Award Consent Items (NONE)

END OF CONSENT ITEMS

Scott asked that (16TP015) be presented by Kip Harrington. He presented the 5-year street plan. The plan showed state, city, and county projects. Harrington said there is SDDOT open public meeting on July 19, 2016 at 7:00 p.m. at the Ramkota Hotel. In response to a question from Nordstrom, Harrington said the City will receive three bridge grants. The City can apply for these grants every year. Planning is working on proposals for transit feasibility study. The City is looking at possible extending the hours, days, routes, and possible routes outside of city limits. Motion was made by Estes, second by Nordstrom and carried to acknowledge presentation.

NON-CONSENT ITEMS

Todd Stainbrook, resident of Hermosa, addressed the Council regarding Item 37. He helped organize the pickup of debris left by the tornado on June 13, 2016. He said he received help from neighbors, the Red Cross and volunteers from Fountain Springs Church as well. He wanted to get the area cleaned up as quickly as possible, so he told residents that any miscellaneous debris could be hauled to the landfill and put under his account. He is looking to be reimbursed for landfill costs.

Ordinances

Ordinance No. 6118 (No. 16RZ014) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions Inc., for Richard M. Kincaid for a **Rezoning from Low Density Residential District to Light Industrial District** for property generally described as being located at 3775 Dyess Avenue. Motion was made by Scott, second by Roberts and carried that Ordinance No. 6118 be placed on its first reading and the title was fully and distinctly read.

Ordinance No. 6119 (No. 16RZ015) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Advanced Engineering for Mark Simpson for a **Rezoning from General Agricultural District to Light Industrial District** for property generally described as being located north of Fountain Plaza and South Plaza Drive intersection. Motion was made by Scott, second by Drew and carried that Ordinance No. 6119 be placed on its first reading and the title was fully and distinctly read.

Ordinance No. 6120 (No. 16RZ016) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Advanced Engineering for Mark Simpson for a **Rezoning from General Agricultural District to General Commercial District** for property generally described as being located at 1750 Fountain Springs Drive. Motion was made by Scott second by Nordstrom and carried that Ordinance No. 6120 be placed on its first reading and the title was fully and distinctly read.

Public Works Committee Items

Motion was made by Roberts, second by Scott and carried to continue (No. PW042616-15) Approve the Dead or Diseased Tree Removal Program, to the July 18, 2016 City Council Meeting.

Motion was made by Roberts, second by Estes and carried to continue (No. PW053116-22) Authorize Mayor and Finance Officer to sign a construction agreement with Black Hills Energy for relocation of 69 kV power line on landfill property, to the July 5, 2016 City Council Meeting.

Community Planning & Development Services Department Items

Motion was made by Roberts, second by Drew and carried to approve (No. 16PL050) A request by FMG, Inc., for Holiday Companies for a Preliminary Subdivision Plan for Lot 1 of Holiday Subdivision, generally described as being located at the northwest corner of Elk Vale Road and East S. D. Highway 44 with the following stipulations: Swank motioned, Marchand seconded, with Scull abstaining and unanimously carried to recommend that the Preliminary Subdivision Plan be approved with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, the construction drawings shall be revised to address redlined comments or an Exception shall be obtained to the Infrastructure Design Criteria Manual or the Standard Specifications for each comment. A copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the redlined comments shall be returned with the Development Engineering Plan application; 2. 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 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 Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 3. Prior to submittal of a Development Engineering Plan application, the construction plans shall be revised to address redline comments from Rapid Valley Sanitary District. In addition, utility easements shall be created and/or retained until the proposed water and sewer relocation is completed and located within new utility easements; 4. 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, 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; 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, 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. Upon submittal of a Development Engineering Plan application, letters from all of the affected utility companies shall be submitted indicating concurrence with the vacation of utility easement(s) as shown

on the plat document; 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 the required subdivision improvements shall be submitted for review and approval; 11. Prior to submittal of a Final Plat application, School Drive shall be vacated as proposed and the plat document shall be revised to show the recording information; 12. Prior to submittal of a Final Plat application, the plat document shall be revised eliminating the building setback requirement note from the document; 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).

Alcoholic Beverage License Applications Reissuance

Motion was made by Estes, second by Lewis and carried to approve Matthew Sullivan dba Adelaide Inc., Juniper, 5734 Sheridan Lake Rd Ste 207, for a Retail (on-off sale) Malt Beverage License Renewal.

Mayor's Items

Motion was made by Wright, second by Scott to deny (No. CC062016-04) Request for temporary free landfill use and landfill rate reimbursement for Hermosa residents for disposal of tornado debris resulting from June 13, 2016. Wright said this should not be approved until all of the insurance companies have processed their claims. In response to a question from Estes, Stainbrook said the neighbors didn't know where to start with cleanup because there was debris everywhere. He said they could use his account at the landfill for the miscellaneous debris. He said things were scattered everywhere. He didn't get an account of where it all came from, they just had a mission to get it all cleaned up. He said his landfill bill came to \$2062.82. Estes appreciated Stainbrook's cleanup efforts. Substitute motion by Laurenti, second by Lewis to approve temporary free landfill use and landfill rate reimbursement. In response to a question from Lewis, Merbach said that the landfill has helped out in these types of situations before, for example Storm Atlas and the Hermosa Flood of 2007. Laurenti said we should help neighboring communities. Wright said he was willing to help but not until insurance claims have been filed. Stainbrook said debris was allowed to be taken to the landfill in his name from June 14, 2016 to June 18, 2016. He said he had the final bill and no other charges will be coming in that are charged to his account. The account was under Tasak Construction. Richard Smith from the Red Cross addressed the Council. He said it was a group effort to get everything cleaned up and thanked the local volunteers and the people from Fountain Springs Church for their help. Scott said she would support the original motion. She appreciates that Mr. Stainbrook allowed them to use his account but she's not in favor of approving any reimbursements tonight. She wants to see what the insurance companies cover first. In response to a question from Drew, Stainbrook said that KOTA news broadcasted that fees were being waived at the landfill. Drew doesn't see how Stainbrook will get reimbursed for miscellaneous debris. She supports approval. Second substitute motion was made by Nordstrom, second by Estes to continue to the July 5, 2016 City Council meeting. Estes thanked everyone for their help. He said he will be in favor of reimbursement once all insurance claims have been processed. Lewis stated he didn't want to fight over \$2000. Stainbrook said he has until the end of June to pay his landfill bill. Richard Smith stated that the Red Cross put out the press release but they don't make commitments for the City, the announcement was their error. Mayor said all late fees would be waived for Mr. Stainbrook's bill. Motion passed 6-2 with Drew and Lewis voting no.

PUBLIC HEARING ITEMS – Items 38 - 50

Ron Sasso addressed the Council regarding Item 46. He said when he was a councilman he helped write Ordinance 5878 in 2012. He said the intent of the ordinance was to expand hazardous tree inspections, to notify the owners in writing; as shall be determined by the urban forester. He said the intent and what's actually happening are two different things. Sasso said the Urban Forester is supposed to go out and inspect the trees. He thinks the process is backwards. Dave Phelps addressed the Council on behalf

of Phil Jensen. He said he worked with Phil and hauled electric lift to his house and helped cut down some dead tree branches. They contacted Black Hills Power to lower the line to clear the tree. Phil Jensen addressed the Council. He said he was contacted around October 1, 2015 and was instructed to remove dead tree by November 2, 2015. He said he was going to cut out the dead portion but not the whole tree. He contacted Jess Rogers and asked which ordinance the dead trees fall under. Jess told him it was Ordinance 5878. He said ordinance is unclear. He thought the urban forester had to see the tree before it can just be cut down. He said his tree was not even close to being dead. Dave Johnson, addressed the Council on behalf of Adam Bradsky, who was representing Wilma Kurylas. Johnson said he has owned a tree business for 36 years. He is a licensed arborist. He said many of the trees were not completely dead when they were cut down. The Siberian Elm was the only dead tree. He said he used to be on the Urban Forestry Council, and that group has been around much longer than ordinance 5878. He said property owners should come to urban forestry council if they want to discuss a complaint. If the Urban Forestry Council thought the complaint had substance, they would send it to the next level. He said the City must have an ordinance with some teeth. Adam Bradsky, representing Wilma Kurylas, stated in March 2016, Wilma came home to her property and 8 of 9 trees were cut down. He said that the City's Attorney's Office didn't have any risk assessment forms. He said there was an email from Mr. Bernard to Mr. McLane that trees needed to be removed, but the email was sent after the trees were removed. Johnson didn't think the trees should have been removed. He said there was no inspection until after the trees were cut. Bradsky is asking that the bill be waived and the City pay for the eight trees to be replanted. Kent Hagg addressed Council and asked that item 47 be continued to the July 18, 2016 council meeting.

Alcohol Licenses

38. American Legion Post 22 for a SPECIAL EVENT Malt Beverage License for an Event Scheduled for June 28 – July 4, 2016 at Post 22 Baseball Field outside lawn area, 2735 Canyon Lake Drive
39. Rushmore German Club for a SPECIAL EVENT Malt Beverage License and Wine License for an Event Scheduled for August 19 – 26, 2016 at Central States Fair, 800 San Francisco
40. Matthew Sullivan DBA Adelaide Inc., Juniper, 5734 Sheridan Lake Rd, Suite 207 for a Retail (on-off sale) Wine License TRANSFER from Uncork'd Wine & Tapas Bar LLC DBA Uncork'd Wine & Tapas Bar
41. Matthew Sullivan DBA Adelaide Inc., Juniper, 5734 Sheridan Lake Rd, Suite 207 for a Retail (on-off sale) Malt Beverage License TRANSFER from Uncork'd Wine & Tapas Bar LLC DBA Uncork'd Wine & Tapas Bar
42. Moyle Petroleum Company dba Common Cents Food Store, 1909 N LaCrosse Street for a Retail (on-off sale) Wine License
43. Moyle Petroleum Company dba Common Cents Food Store, 2660 Mt. Rushmore Road for a Retail (on-off sale) Wine License
44. Moyle Petroleum Company dba Common Cents Food Store, 1129 W Omaha Street for a Retail (on-off sale) Wine License
45. Moyle Petroleum Company dba Common Cents Food Store, 4128 Jackson Blvd for a Retail (on-off sale) Wine License

Motion was made by Estes, second by Lewis and carried that items 38-45 be approved.

Assessment Rolls

Mayor said he would be dividing the assessments into two parts to vote on each separately for (No. LF060116-03) Approve Resolution No. 2016-028C Levying Assessment for Cleanup of Miscellaneous Property. Roman and Wilma Kurylas Revocable Living Trust and Marshall Lea Enterprises. (These names were continued from the June 6, 2016 City Council Meeting.) Wright said the urban forester should have seen the trees before they were cut down and that was not done. He said the urban forester establishes a reasonable time to remove the trees. Jess Rogers confirmed the ordinance does read that the urban forester decides the time frame. In response to a question from Roberts, Garcia said that code enforcement officers can diagnose a dead tree. If the homeowner wants to dispute it, they have seven

days for the urban forester to come out. She said the trees that were cut down did not have green leaves on them. Garcia said the homeowners were given more time than normally allowed. They were given notice in October 2015 to take care of them and when they didn't, the City cut them down in February 2016. In response to a question from Roberts, Johnson said many times trees will come back if the dead parts are cut out of them. Johnson believes a certified arborist should be involved to determine if a tree is dead. Laurenti said the urban forester was involved and the trees were cut down because they had defects. He said he would support staff on their decision. In response to a question from Nordstrom, Bernard said he did not see the trees in person before they were cut down. He said aerial photographs from September 2015 show dead trees. In response to a question from Nordstrom, Garcia said it is possible that some people don't get their notices but it would be expensive to send out certified notices to homeowners. Drew feels the owner should be personally contacted when there are a high number of trees being cut down. Wright said he thinks code enforcement should send letter certified, return receipt and that the urban forester should be involved before the trees are cut down. Laurenti doesn't think there needs to be a new process. It is the responsibility of the property owner to take down their dead trees. In response to a question from Nordstrom, McLane said the City is not required to give more than one notice. Johnson said this type of tree is not one that lasts a long time. He said 50-60% of the tree was dead. He said they could have tried pruning but these trees are not normally ones that come back. Motion was made by Estes, second by Laurenti to approve assessment for Wilma Kurylas. Estes, Nordstrom, Scott and Laurenti voted yes; Lewis, Drew, Roberts and Wright voted no. There was a tie vote 4-4. Motion passed 5-4 with Mayor breaking the tie vote. Regarding the assessment for Marshall Lea Enterprises, motion was by Laurenti, second by Scott to approve assessment of the Marshall Lea Enterprises property. In response to a question from Roberts, Jensen said they rented a cherry picker to prune the tree and take out dead branches. He said he did not contact code enforcement back in October because he was going to take care of the tree himself. In response to a question from Nordstrom, Garcia said that code enforcement went back to the property in November 2015 and there were some broken branches on the ground and one limb cut down. Mayor stated there was an appeal process in which the homeowner had seven days to dispute the City's findings but Mr. Jensen did not use that process. Mayor granted Jensen a meeting to discuss this issue. Mayor said that a second notice or phone call is not required and Mr. Jensen did not call them when he received the first notice to dispute the dead tree. Estes, Nordstrom, Scott and Laurenti voted yes; Lewis, Drew, Roberts and Wright voted no. There was a tie vote 4-4. Motion passed 5-4 with Mayor breaking the tie vote.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 47 - 50

Motion was made by Scott, second by Roberts to continue (No. 16TI003) to the July 18, 2016 City Council meeting. A request by Kent Hagg for Alta Terra Development to Amend Project Plan for Tax Increment District No. 70 - Highway 16 Sewer for property generally described as being located along Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision. Motion carried 8-0.

Ordinance 6117 (No. 16RZ013) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Bob Brandt for a Rezoning from General Agricultural District to Office Commercial District for, property generally described as being located 2000 Promise Road having passed the first reading on June 6, 2016 motion was made by Scott, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Laurenti, Wright, Estes, Lewis, Drew, Roberts, Nordstrom and Scott. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6117 was declared duly passed upon its second reading.

Motion was made by Scott, second by Estes to continue (No. 16VR003) to the July 5, 2016 City Council meeting. A request by Fisk Land Surveying and Consulting Engineers, Inc., for Roger and Heidi Hanzlik for a Vacation of Right-of-Way for property generally described as being located at 4018 Calle Baja

Street. This item was continued from the 6/6/16 City Council meeting since stipulations of approval were not met. Motion carried 8-0.

Motion was made by Scott, second by Lewis and carried to (No. 16VR005) Approve a request by Fisk Land Surveying and Consulting Engineers, Inc for Joel and Renee Landeen for a Vacation of Right-of-Way for property generally described as being located at 5280 Pinedale Circle.

Resolution No. 2016-036
RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS, it appears that the right-of-way located in Lot 50 Revised in Pinedale Heights Subdivision, located in Government Lot 3 and Government Lot 4, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the right-of-way lying south of 5280 Pinedale Circle, 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 20th day of June, 2016

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

BILLS

The following bills have been audited.

BILLLIST – JUNE 20, 2016

P/ROLL PERIOD END 06/11/16, PD 06/17/16	1,127,968.73
CDEV P/ROLL PERIOD END 06/11/16, PD 06/17/16	3,195.23
PIONEER BANK & TRUST, 06/11/16 P/ROLL TAXES & BENEFITS, PD 06/17/16	260,938.30
CDEV PIONEER BANK & TRUST, 06/11/16 P/ROLL TAXES & BENEFITS, PD 06/17/16	862.29
WELLMARK INC, HEALTH CLAIMS THROUGH 06/03/16, PD 06/09/16	115,722.35
WELLMARK INC, HEALTH CLAIMS THROUGH 06/10/16, PD 06/16/16	107,533.26
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/06/16, PD 06/07/16	5,868.81
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/13/16, PD 06/19/16	5,239.12
BLACK HILLS ENERGY, ELECTRICITY, PD 06/15/16	30,014.39
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 06/15/16	42,663.32
COMPUTER BILL LIST	6,402,084.60
CDEV COMPUTER BILL LIST	20,721.91
SUBTOTAL	8,122,812.31

RSVP, P/ROLL PERIOD END 06/11/16, PD 06/17/16	3,273.59
RSVP, 06/11/16 P/ROLL TAXES & BENEFITS, PD 06/17/16	1,080.61
RSVP, COMPUTER BILL LIST	73.86
TOTAL	8,127,240.37

Sumption presented the bill list total of \$8,127,240.37. Motion was made by Wright, second by Estes and carried to authorize (No. CC062016-01) 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 Estes, second by Laurenti and carried to adjourn the meeting at 8:30 p.m.

Dated this 20th day of June, 2016.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)