

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 5, 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, July 5, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Steve Laurenti, Jerry Wright, Charity Doyle, 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

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 Tim Behlings, Community Resources Director Jeff Barbier, Solid Waste Operations Manager Karl Merbach and Administrative Coordinator Heidi Weaver-Norris.

AWARDS AND RECOGNITIONS

Mayor Allender recognized Councilman Chad Lewis and Ron Weifenbach for their service to the City of Rapid City. He thanked them for their years of service and presented a plaque to Chad Lewis. Ron Weifenbach was not able to attend the meeting.

RECESS TO SWEAR IN NEWLY ELECTED COUNCIL MEMBERS

Motion was made by Scott, second by Nordstrom and carried unanimously to recess the meeting at 6:37 p.m. At this time the Oath of Office was administered to the newly elected Council Members: Ward One Alderwoman Lisa Modrick, Ward Two Alderman Steve Laurenti, Ward Three Alderman Jason Salamun, Ward Four Alderwoman Amanda Scott and Ward Five Alderwoman Darla Drew

RECONVENE

Mayor Allender reconvened the meeting at 6:56 p.m. with the following members present: Steve Laurenti, Jerry Wright, Lisa Modrick, Charity Doyle, Brad Estes, Jason Salamun, Darla Drew, John Roberts, Ritchie Nordstrom and Amanda Scott.

ELECTION OF OFFICERS

Mayor Allender opened the floor for nomination for Council President. Motion was made by Doyle, second by Wright to nominate Alderperson Estes. There being no further nominations, Mayor Allender declared Alderperson Estes Council President.

Mayor Allender opened the floor for nomination for Council Vice President. Motion was made by Roberts, second by Doyle to nominate Alderperson Scott. Motion was made by Drew, second by Wright to nominate Alderperson Nordstrom. There being no further nominations, Mayor asked for a ballot vote. Sumption counted the votes. Scott had seven votes from the following: Laurenti, Modrick, Doyle, Estes, Salamun, Roberts and Scott. Nordstrom had three votes from the following: Wright, Drew and Nordstrom. Mayor Allender declared Alderperson Scott Vice President.

ADOPTION OF AGENDA

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

CONSENT ITEMS

Motion was made by Wright, second by Scott and carried unanimously to approve Items 5-32 as they appear on the Consent Items.

Approve Minutes

5. Approve Minutes for the June 20, 2016 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)**Alcoholic Beverage License Applications Set for Hearing (July 18, 2016)**

- 5A. Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main #2A for a Retail (on-off sale) Malt Beverage License TRANSFER from Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main Street
- 5B. Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main #2A for a Retail (on-off sale) Wine License TRANSFER from Continental Leisure, Inc. DBA The Carousel, 2050 West Main Street
- 5C. Continental Leisure Inc. DBA Carousel Casino, 2050 West Main #2B for a Retail (on-off sale) Malt Beverage License (Inactive) TRANSFER from Continental Leisure, Inc. DBA Carousel Casino, 2050 West Main Street #2

Public Works Committee Consent Items

6. 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. (Continued from the June 20, 2016 City Council Meeting)
7. No. PW062816-01 – Approve Change Order Correction to PW053116-02 June 6, 2016 meeting. Should have read “Approve Change Order #2F for Project No. 15-2288 / CIP No. 50752 Chapel Lane Bridge Railing Project to JV Bailey Co., Inc. for a decrease of \$165.00”.
8. No. PW062816-02 – Approve Change Order #2 to Mainline Contracting for 9th Street Reconstruction – Fulton to Columbus, Project No. 14-2208 / CIP No. 50435 for an increase of \$52,670.45.
9. No. PW062816-03 – Approve Change Order #1F to Hills Material Company, Inc. for Pavement Rehabilitation Project-Alta Vista Area, Project No. 15-2263 / CIP No.50844 for an increase of \$1,524.68.
10. No. PW062816-04 – Approve Construction Change Order #2 for Rapid Transit Bus Storage Addition, Project No. 15-2248 / CIP No. 51084 to MAC Construction for an increase of \$6,025.00.
11. No. PW062816-05 – Authorize Staff to Advertise for Bids 2016 Miscellaneous Improvements Project, Project No. 16-2308 / CIP No. 50298. Estimated Cost: \$170,000.00.
12. No. PW062816-06 – Authorize Staff to Advertise for Bids Pavement Rehabilitation Project – North Plaza Drive, Project No. 15-2299 / CIP No. 50844. Estimated Cost: \$300,000.00.
13. No. PW062816-07 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Service, Inc. (AE2S) for the Meade/Hawthorne DBDP-Element 47 and South Ridge Road Sanitary Sewer Improvements, Project No. 15-2306 / CIP No. 50758 in the amount of \$17,378.50.
14. No. PW062816-08 – Authorize Mayor and Finance Officer to Sign Covenant Agreement Between City of Rapid City and Roger & Heidi Hanzlik Authorizing Landowners to Maintain Non-Conforming Water and Sewer Service Lines.
15. No. PW062816-09 – Authorize Mayor and Finance Officer to Sign Permit for Temporary Right of Entry to SDDOT Rail Road ROW for Pavement Rehabilitation Project – Back Nine, Pebble Beach & Jolly Lane, Project No. 15-2301 / CIP No. 50844.
16. No. PW062816-11 – Authorize Mayor and Finance Officer to Sign Covenant Agreement between Troy Eisenbraun and Lisa Eisenbraun and the City of Rapid City for Construction of Public Improvements.
17. No. PW062816-12 – Authorize Mayor and Finance Officer to Sign Release of Covenant Agreement with Bies Highway 79 LLP.

- 18. No. PW062816-13 – Authorize Staff to Seek Proposals for Professional Services for Alley south of Kansas City Street between 4th Street and 2nd Street Sanitary Sewer Improvements, Project No. 16-2338 / CIP No. 50827.
- 19. No. PW062816-14 – Approve Funding Correction for Pavement Rehabilitation Project – Brentwood Street and Surfwood Drive, Project No. 15-2264 /CIP No. 50549.

Legal & Finance Committee Consent Items

- 20. No. LF062916-09 – Approve JAG Grant Application and Accept Grant If Awarded
- 21. No. LF062916-12 – Re-Authorize Staff to Purchase One (1) Chevrolet Tahoe in the Revised Amount of \$36,698 Using State Bid Contract #16868
- 22. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Brent Moe, Megan Pataski, Stephen Muller, Trae Hood, Daniel Allard, Anthony Picketpin, Ashley Anderson, Melissa Martin, Christopher Barger, Nicholas Glass, Wesley Folsom, Ridrey Jendry, Tyler Cameron
- 23. No. LF062916-03 – Approve Request for 2015 Property Tax Abatement for The City of Rapid City in the amount of \$198.00
- 24. No. LF062916-06 – Acknowledge May 2016 General Fund Cash Balance Report
- 25. No. LF062916-07 – Resolution No. 2016-048 Declaring Miscellaneous Personal Property Surplus

Resolution #2016-048

RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

From: Police Department

For disposal:

2007 Ford Crown Victoria, VIN: 2FAFP71W37X150073

For donation to Pennington County Sheriff’s Department:

1-Office Chair

From: Civic Center

For donation to Pennington County Sheriff’s Department:

1-Office desk

For donation to Pennington County Search and Rescue:

3-8’ tables

1-6’ table

From: Library

For donation to Pennington County Sheriff’s Department:

7-Brown wood chairs

From: Human Resource

Disposal:

3-Workspace Desks

Trade-in:

Kyocera Copy Machine KM-4035

From: Surplus Auction

Disposal:

4 monitors from surplus to go to The Fire & Life Safety Division

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 5th day of July, 2016

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 26. No. LF062916-08 – Authorize Mayor and Finance Officer to Sign the Agreement for Tyler Systems Management (“TSM”) with Tyler Technologies for \$28,909.00
- 27. No. LF062916-01 – Approve Resolution No. 2016-046 to Create Position of Assistant Street Superintendent.

RESOLUTION NO. 2016-046
RESOLUTION TO AMEND THE CITY OF RAPID CITY
COMPENSATION PLAN BY ESTABLISHING
THE NEW POSITION OF ASSISTANT STREET SUPERINTENDENT
WITHIN THE PUBLIC WORKS 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 Assistant Street Superintendent 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 Interim Public Works Director; 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 Assistant Street Superintendent 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
Assistant Street Superintendent	Non-union	21	Exempt	\$58,890.02	\$88,731.46

Dated this 5th day of July, 2016

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

28. No. LF062916-04 – Authorize Mayor and Finance Officer to Sign the Environmental Assessment for the Black Hills Area Habitat for Humanity
29. No. LF062916-05 – Approve Amendment to the Neighborhood Restoration Loan Program to Add the Safe and Secure Grant Program
30. No. LF062916-02 – Authorize Mayor and Finance Officer to Sign Memorandum of Understanding Between the City of Rapid City and The Performing Arts Center of Rapid City, Inc. Relating to Corporate Structure and Operations
31. No. LF062916-11 – Approve Black Hills Area Habitat for Humanity Request for Removal or Reduction of Special Assessment on 140 Doolittle Street Property

Bid Award Consent Items

32. No. CC070516-02.1 - Approve award of Total Bid for Pavement Rehabilitation Project – Back Nine, Pebble Beach and Jolly Lane, Project No. 15-2301 / CIP No. 50844 opened on June 28, 2016 to the lowest responsible bidder, J&J Asphalt Company in the amount of \$250,859.20.

END OF CONSENT ITEMS

Ordinances

Ordinance No. 6121 (No. 16RZ017) 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 east of Fountain Plaza and South Plaza Drive intersection. Motion was made by Scott, second by Roberts and carried that Ordinance 6121 be placed on its first reading and the title was fully and distinctly read.

Ordinance No. 6123 (No. 16RZ018) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying and Consulting Engineers, Inc. for a Rezoning from Low Density Residential District to General Agricultural District for property generally described as being located at 2101 City Springs Road. Motion was made by Scott, second by Salamun and carried that Ordinance 6123 be placed on its first reading and the title was fully and distinctly read.

Legal & Finance Committee Items

Sue Timmons, Chair of the Human Relations Commission addressed the Council regarding (No. LF062916-10) Human Relations Commission – Semi-Annual Update. Timmons said there were ten calls and six meetings scheduled. She said most meetings did not take place since they didn't meet the standard of the 180-day deadline to file or the incident was outside the city limits. She said in those cases, they were referred to the proper department. She said one formal complaint was drafted but it was withdrawn because the parties solved their problem. She said there is a new public service announcement called "Together We Can" she said it is free of charge and done on behalf of Midcontinent. She said the commission started placing ads in the Native Sun News to better inform the citizens in Rapid City about what this group was about. She indicated that their information was added to the City's new. She displayed the new logo. She said Allison Creelman is the new attorney working with Human Relations Commission. She said they meet the first Thursday of every month between 2:00-4:00

p.m. Timmons thanked Nyberg and Lunde-Roduner for their service to this committee. Motion was made by Scott, second by Doyle to acknowledge the semi-annual update. Drew said she has been the liaison for the last two years. She said she has seen growth in two years and wanted to thank Sue and everyone on the committee for all their hard work. Motion carried 10-0.

Mayor read in item (No. LF062916-13) Request for Half of the 2017 Annual Vision Funds to Be Made Available for Community Projects. He said he wrote a letter to the Council in late June asking that the Mayor be allowed to put together a vision committee, made up of eight community members, a chairperson that will receive proposed vision projects and analyze them. The committee would make a recommendation to the Council on which ones would be approved just for 2017. Mayor said he had previously asked Council to freeze the Vision Fund process in order to have more time on the Civic Center issues. He originally asked that the Vision Fund be frozen until October 2017. However it has become clearer as to the direction they are going with the Civic Center. And there are citizens in the community who would like to move forward with some vision projects. Mayor said any scenario that they decide to fix the civic center, there is indication that they will not need more than 50% of the vision funds. The vision funds are building right now and at the end of 2016, they project to have around \$13 million dollars. Therefore, the City would use approximately \$6.5 million in vision funds for community projects and bank the other \$6.5 million toward the Civic Center repairs/modifications. He explained there is a City ordinance in the way of doing this. The Council will have to evaluate the ordinance and decide if they want to change it to make this possible. He is asking that Council allow him to advertise for committee members, get candidates interviewed, and start building a foundation for a vision process. Within as early as two weeks from now, the Council will receive the revised ordinance to see if they want to make any changes. Motion was made by Scott, second by Estes to split this item into two parts. Part one is to authorize the Mayor to create a vision fund citizen committee as outlined in the ordinance. Part two is to authorize the Mayor to request staff to bring forward an amendment to the current vision fund ordinance and leave the period of the project plan opened for the City Council to decide at the time the project plan is to be implemented. Motion carried 10-0 to split into two parts. Mayor said part one would be 36A In response to a question from Wright, Mayor said he would like to leave out City projects when it comes to the community vision projects, but it's ultimately up to the Council. Wright said he would like to hear projects from staff and citizens so they get total information for all of the needs. Estes said the current ordinance says the advisory board does allow staff to weigh in and suggest City projects and he will support the motion as long as most of the existing ordinance stays intact. Motion carried 10-0. Part two will be called 36B. Mayor said this part is to allow the Mayor to direct staff to revise the vision fund ordinance but limit the changes to the time frames specified within the ordinance. Scott said the current ordinance says the recommendations are limited to a 5-year plan. She would like to open up the language of how long the project plan can be and not just stick to five years. She would like to request that staff leaves the project plan period open in the revised ordinance. Motion by Scott, second by Estes to authorize the Mayor to request staff to bring forward an amendment to the current vision fund ordinance and leave the period of the project plan opened for the City Council to decide at the time the project plan is to be implemented. Estes thinks five years is too long and the language in the ordinance needs to be revised. Roberts thanked the Mayor for bring this forward. He said there are a lot of good projects out there. He thinks the 5-year plan can be problematic so he is in favor of revising the time period language in the ordinance. Drew is glad to see projects moving forward and will vote in favor of the motion. Wright said he doesn't want to lock down what they can or can't do at the Civic Center. In response to a question from Laurenti, Nyberg said the Council does not have to lock in the same number of years for each project. Motion carried 10-0.

Community Planning & Development Services Department Items

Motion was made by Doyle, second by Estes and carried to approve (No. 16PL048) A request by Advanced Engineering for Mark Simpson for a Preliminary Subdivision Plan for Lot 1, Lot 2, Lot 3 and Lot 4 of Fountain Springs Square, generally described being located northeast of the intersection of Fountain Plaza Drive and South Plaza Drive with the following stipulations: Planning Commission recommended 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. 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; 4. 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; 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. The drainage analysis and proposed improvements shall be in compliance with the approved Deadwood Avenue Drainage Basin Plan and the Infrastructure Design Criteria Manual, including drainage areas, stormwater generation criteria, design components, detention, stormwater metering and discharge. The Stormwater analysis and improvements shall also include consideration of current and future stormwater quality requirements and improvements. In addition, easements shall be provided as needed; 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; 8. 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 9. 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 Drew and carried to approve (No. 16PL058) A request by Fisk Land Surveying and Consulting Engineers Inc for Brian Gossman for a Preliminary Subdivision Plan for Lot 5A, 5B and 5C of Bison Acres, generally described being located at 14825 Morning View Drive with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, water plans prepared by a Registered Professional Engineer showing the extension of mains and service lines shall be submitted for review and approval as per the Infrastructure Design Criteria Manual. In addition, water data must be submitted identifying that sufficient fire flows are being provided to serve the development. As an alternative to providing fire flows, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures upon submittal of a Final Plat application; 2. Upon submittal of a Development Engineering Plan application, the location and well data for the proposed well to serve Lot 5C shall be submitted for review and approval. In addition, easement(s) shall be secured as needed; 3. Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that proposed Lot 5B has a compliant on-site wastewater treatment system. In addition, soils data shall be provided for proposed Lots 5A and 5C; 4. Upon submittal of a Development Engineering Plan application, construction plans for 229th Street shall be submitted for review and approval showing the street constructed with a minimum 36 foot wide

paved surface, curb, gutter, sidewalk, street light conduit, dry sewer and water. In addition, the plat document shall show the dedication of 17 additional feet of right-of-way for 229th 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; 5. Upon submittal of a Development Engineering Plan application, construction plans for Morning View Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry 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 Plan application; 6. Upon submittal of a Development Engineering Plan application, the existing driveway to proposed Lot 5B shall be secured in a minimum 50 foot wide access easement for that portion located on proposed Lot 5A. In addition, construction plans shall be submitted for review and approval showing that portion of the driveway located within the access easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, dry 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 Plan application. Another option is to submit plans showing that the driveway and water service line shall be relocated so that they are entirely located on proposed Lot 5B. In addition, prior to submittal of a Final Plat application, the driveway and water service line shall be relocated as identified or surety posted for the improvement; 7. Upon submittal of a Development Engineering Plan application, a drainage plan shall be submitted for review and approval if subdivision improvements are required. The drainage plan shall address storm water quantity control and storm water quality treatment, in conformance with the Infrastructure Design Criteria Manual and Rapid City Municipal Code. In addition, the plat document shall be revised to provide drainage easements as necessary; 8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required; 9. 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; 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 following note shall be placed on the plat: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install an on-site wastewater treatment system for each lot. Prior to installation of such system, plans prepared by a qualified person shall be submitted and approved as required by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations"; 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).

Mayor's Items

Mayor read in item (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. (This

item was continued from the June 20, 2016 City Council Meeting.) In response to a question from the Mayor, Mr. Stainbrook said the outstanding amount at the landfill after insurance payment is \$1784.03. He explained that a large group of volunteers had dump trailers and they just collected miscellaneous trash from everywhere and he allowed them to use his account at the landfill in order to get rid of all the debris. Motion was made by Nordstrom to waive the fee of \$1784.03 and use council contingency fund to make up the difference. Nordstrom asked that the motion be addressed in two parts. Motion by Nordstrom, second by Laurenti to waive the \$1784.03 in landfill fees. Nordstrom said he was hearing negative comments on why the Council couldn't reimburse Mr. Stainbrook. He said the City is getting negative public perception on this situation. Estes said he supports waiving the fee. He does not feel there needs to be a funding source to replace this money. He is thankful that Mr. Stainbrook took it upon himself to fix the situation and act on it promptly. Modrick said she was thankful that he helped the community. Modrick asked if a funding source was required. Roberts thanked Stainbrook for his help as well. He said Council continued the item two weeks to see how much the insurance company would refund Mr. Stainbrook. He said the City saved the taxpayers a little money by not approving the reimbursement two weeks ago. Motion carried 10-0. Motion was made by Nordstrom, second by Wright to use the council contingency fund for the reimbursement cost. Nordstrom said he only made the motion to see if the other Council members wanted to use that fund. Mayor asked if he wanted to withdraw the motion, Nordstrom said yes and Wright agreed. Wright said he is ok with allowing the landfill to pay for it. The Mayor explained this was an emergency and needed to be taken care of. He said there is no immediate tool to give emergency access to that resource. He said it seems logical that this be addressed in the future. There needs to be some thought on a procedure by public works to allow access in case of emergency situations, but it doesn't exist now. Motion for a replacement funding source died due to lack of a motion.

Alcohol Licenses

40. Motion was made by Doyle, second by Roberts and carried to approve 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

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 41 - 47

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 having passed the first reading on June 20, 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, Modrick, Doyle, Estes, Salamun, Drew, Roberts, Nordstrom and Scott. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6118 was declared duly passed upon its second reading.

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 having passed the first reading on June 20, 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, Modrick, Doyle, Estes, Salamun, Drew, Roberts, Nordstrom and Scott. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6119 was declared duly passed upon its second reading.

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 having passed the first reading on June 20, 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, Modrick, Doyle, Estes, Salamun, Drew, Roberts, Nordstrom and Scott. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6119 was declared duly passed upon its second reading.

Motion was made by Scott, second by Estes to continue (No. 16VR003) to the July 18, 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 10-0.

Motion was made by Scott, second by Roberts and carried to approve (No. 16VR006) A request by FMG, Inc., for Holiday Companies for a Vacation of Right-of-Way for property generally described as being located in the northwest corner of the intersection of Elk Vale Road and SD Highway 44 with the following stipulation: 1. Prior to City Council approval, revised Exhibits for the proposed alley vacation and public access and utility easement shall be submitted for recording as needed.

Motion was made by Scott, second by Doyle to take no action and acknowledge withdraw of (No. 16PD025) Appeal of Planning Commission's decision of a request by KTM Design Solutions, Inc for Holiday Companies, Inc. for a Final Planned Development Overlay to allow construction of a convenience store with gas sales and a carwash for property general described as being located in the southeast corner of US Highway 16 and Catron Boulevard. Motion carried 10-0.

Michaele Hofmann addressed the Council stating she was opposed to the CUP for Adam Wegner (Item No. 16UR014) She read from Ordinance 17.04.315 and the rules for an oversized garage. She said the proposed garage space is 1840 square feet, in addition to the already existing 2.5 car garage which totals 600 square feet. The proposed garage space is 2440, this is in excess of 900 square feet of what is permitted by law. She said the property owner is essentially putting a barn in a residential neighborhood. She also said their covenants don't allow a structure this big. Daniel Hofmann addressed the Council and is also opposed to the CUP. He said the ordinances and covenants are laws that should be followed. He suggested Mr. Wegner build a one or two stall car garage to what he already has. Jack Moore said he has been at his residence for 38 years and is opposed to the CUP. He said Mr. Wegner wants a garage bigger than his house. Jackie Moore said she is opposed to the CUP. She doesn't want the City to set precedence. K. Strissel said the applicant already has many garage sales and objects to them using this building as a store. She said he currently has a 2 ½ car garage. She said this proposed garage is like a commercial building and she doesn't want this structure to negatively affect her property value. Stephan Strissel also voiced concerned over property values going down. He said this garage will ruin a beautiful area. Sue Erickson said she has been a resident there for 38 years and believes he should adhere to the covenants. She is concerned this building will be used for commercial use. She is also concerned with her property value if this passes. Mayor read in item (No. 16UR014) Appeal of Planning Commission's decision of a request by Adam Wegner for Scull Construction for a Conditional Use Permit to allow an oversized garage for property generally described as being located at 4120 Corral Place. On June 9, 2016 the Planning Commission approved the CUP with stipulations. This is an Appeal of the Planning Commission's decision. Roberts said he hopes that the Council doesn't get in the habit of enforcing covenants. In response to a question from Roberts, Michaele Hofmann said they have a home owner's association group but no funding. Roberts said he would be voting to overturn the Planning Commission decision because this garage falls outside the ordinance. Motion was made by Laurenti, second by Wright, to overturn the planning commission decision, and deny the CUP. Laurenti said the owner could still expand the garage space in a less evasive way but he needs to stay within the parameters of the ordinance. Estes stated the garage is more square feet than the applicant's home and he believes they should follow the ordinance so he will support motion. In response to a question from Scott, Robert Laroco said covenants can't be considered by the City. If there is a dispute with covenants,

the homeowners would have to go through civil court. Scott said the commissioners have discretion but this building doesn't fall within the characteristics of the neighborhood. Wright said he was concerned with the use of ongoing garage sales. He told the neighbors that the City needs to know about these things and to advise them in the future. In response to a question from Salamun, Laroco said the justification for the approval of CUP, was that this was a private garage, not a standard garage. He said there are requirements to meet the character of the neighborhood. The neighborhood is Low Density Residential District, and they examined the style of the garage was going to be built as the same style of home. The applicant had said they would build the garage as the same character of the home so Planning thought the proposed garage did meet the character of the neighborhood. There was a requirement that the garage could not be used for commercial purposes. And Planning did ask for additional landscaping to act as a buffer to the garage. Salamun said he drove out to the property and although the applicant has the land for the structure, he did not feel it fit the characteristic of the neighborhood. He will be voting in favor to overturn planning commission decision. Nordstrom said he has a concern that the applicant will try to build a second story over the garage. He asked neighbors to be watchful of this or any additional garage sale activity. Motion carried 10-0.

BILLS

The following bills have been audited.

BILLIST - JULY 5, 2016

P/ROLL PERIOD END 06/25/16, PD 07/01/16	1,090,938.12
CDEV P/ROLL PERIOD END 06/25/16, PD 07/01/16	3,195.23
P/ROLL PERIOD END 06/30/16, PD 06/30/16	1,528,749.73
PIONEER BANK & TRUST, 06/25/16 P/ROLL TAXES & BENEFITS, PD 07/01/16	255,956.22
CDEV PIONEER BANK & TRUST, 06/25/16 P/ROLL TAXES & BENEFITS, PD 07/01/16	860.28
PIONEER BANK & TRUST, 06/30/16 P/ROLL TAXES & BENEFITS, PD 06/30/16	380,094.87
SOUTH DAKOTA DEPT OF REVENUE, SALES TAX PAYABLE, PD 06/22/16	40,986.87
SOUTH DAKOTA DEPT OF REVENUE, CCTR SALES TAX PAYABLE, PD 06/22/16	24,808.71
SOUTH DAKOTA DEPT OF REVENUE, EXCISE TAX PAYABLE, PD 06/22/16	79.59
WELLMARK INC, HEALTH CLAIMS THROUGH 06/17/16, PD 06/23/16	94,633.40
WELLMARK INC, HEALTH CLAIMS THROUGH 06/24/16, PD 06/30/16	156,207.58
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/20/16, PD 06/21/16	1,890.94
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/27/16, PD 06/28/16	2,386.39
BANK WEST, TID47 TOWER RD, PD 06/20/16	91,632.38
BANK WEST, TID54 RAINBOW RIDGE, PD 06/20/16	19,129.26
BANK WEST, TID56 RUSHMORE CROSSING, PD 06/20/16	61,588.21
BANK WEST, TID65 MINNESOTA ST, PD 06/20/16	7,973.82
BANK WEST, TID69 NORTH FIRE STATION, PD 06/20/16	9,472.88
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 06/20/16	29,332.19
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 06/20/16	11,731.09
CITY OF RAPID CITY, TID64 CABELA'S, PD 06/20/16	161,156.56
DACOTAH BANK, TID40 GANDOLF, PD 06/20/16	5,527.61
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 06/20/16	123,156.46
THF STONERIDGE DEVELOPMENT, TID71 S ROBBINSDALE, PD 06/20/16	2,922.90
BERKLEY ASSIGNED RISK SERVICES, MAY16 CLAIMS, PD 06/21/16	37,742.92
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN SPECIAL PAY PLAN FEES-LIEBIG, PAUL, RAUE, PD 06/17/16	135.00
BLACK HILLS ENERGY, ELECTRICITY, PD 06/28/16	78,626.70
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 06/28/16	17,360.67
COMPUTER BILL LIST	2,586,959.14
CDEV COMPUTER BILL LIST	5,120.22

	SUBTOTAL	6,830,355.94
RSVP, P/ROLL PERIOD END 06/25/16, PD 07/01/16		3,273.59
RSVP, 06/25/16 P/ROLL TAXES & BENEFITS, PD 07/01/16		1,073.52
RSVP, COMPUTER BILL LIST		125.88
	TOTAL	6,834,828.93

Sumption presented the bill list total of \$6,834,828.93. Motion was made by Laurenti, second by Wright and carried to authorize (No. CC070516-01) 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 Laurenti, second by Wright and carried to adjourn the meeting at 8:28 p.m.

Dated this 6th day of July, 2016.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)