

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 3, 2017

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, January 3, 2017 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Darla Drew, Jason Salamun, Charity Doyle, Brad Estes, Steve Laurenti, Jerry Wright, Lisa Modrick, and John Roberts and the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: Ritchie Nordstrom and Amanda Scott

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Interim Public Works Director Dale Tech, Interim Fire Chief Rod Seals, Community Resources Director Jeff Barbier and Administrative Secretary Paula Arthur.

ADOPTION OF THE AGENDA

Motion was made by Salamun, second by Drew and carried to adopt the agenda.

GENERAL PUBLIC COMMENT

David Miller is in opposition to the states proposal for a state park in Spearfish Canyon. The proposed area is national forest service land. He said the state did not ask the forest service but told them what they planned on doing. He said he represents himself but has also put together a committee in Custer and the Norbeck Society here and represents local individuals in Spearfish. He said a question of values is settled by the people. He stated the State has not offered a public meeting in order to hear the voice of the people. He is not asking Council to do anything. He just wants people to be aware and would like the people of the Black Hills to be able to speak.

NON-PUBLIC HEARING ITEMS -- Items 1 – 39

Karissa Steiger addressed the Council regarding Items 30-32. She said they have gone back to look at proposals to help them move forward. She said there is still a lot of confusion regarding the minor drainage easement. She stated a new neighbor moved in recently and received the exact same plat dated December 5, 2016 with the wrong minor drainage easement showing. She showed pictures of her backyard and said there are no ditches, no standing water. She referenced an email from Vicki Fisher that asks Dale Tech if they worked with an engineer that the width of the easement could possibly be reduced. She asked the Council to consider granting their vacation of easement.

Danielle Shafer spoke to the Council regarding Items 30-32. She said they got with Kyle from KTM Design Solutions after the Public Works meeting and the neighbors are trying to address the City's concerns through a compromise. She said they are asking to move back 5-feet instead of 10-feet. She stated this is adequate drainage for the 100-year flood. She said their covenants say they will maintain the easement to include the sludge maintenance. She feels the City would still have enough access to the easement with the 5 feet instead of the 10 feet on both sides. She showed pictures of the adjoining backyards and said there is no difference in topography from one yard to the next.

Kyle Trelor, Engineer with KTM Design Solutions, addressed the Council regarding Items 30-32. He said the City's design criteria manual states that the easement be sized for the 100-year flow. He referenced staff comments regarding the subdivision which stated the City said they would not maintain the easement and that covenants would need to be put in place for homeowners to maintain the easement. He said the homeowner's have agreed that all obstructions will be removed within the 10-foot drainage easement. He said 10-feet allows for unobstructed flow and room for maintenance.

CONSENT ITEMS – Items 1 – 38

The following items were removed from the Consent Items:

11. No. PW122716-08 – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for Cambell Street Box Culvert Outlet Repair, Project No. 15-2313 / CIP No. 51035.
12. No. PW122716-09 – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for 12th Street Bridge Repair Project, Project No. 16-2367 / CIP No. 51139.
13. No. PW122716-10 – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for Cherry Avenue Bridge Repair Project, Project No. 16-2368 / CIP No. 51140.
30. No. 16VE020 – Elks Crossing – Uphold staff's decision to deny a request by Karissa Steiger for a Vacation of Easement for property generally described as being located at 4330, 4340, 4350, 4360, 4370, 4402, 4410, 4418, 4426, 4434, 4514, 4522 and 4538 Duckhorn Street. (This item was continued from the November 21, 2016, City Council Meeting)
31. No. 16VE021 – Elks Crossing - Uphold staff's decision to deny a request by Karissa Steiger for Cora Jo and Elton Barber for a Vacation of Easement for property generally described as being located at 4835 Vinecliff Drive. (This item was continued from the November 21, 2016, City Council Meeting)
32. No. 16VE022 – Elks Crossing - Uphold staff's decision to deny request by Karissa Steiger for Craig and Stacy Wehrle for a Vacation of Easement for property generally described as being located at 4419 Vinecliff Drive. (This item was continued from the November 21, 2016, City Council Meeting)

Motion was made by Estes, second by Laurenti and carried to approve Items 1-38 as they appear on the Consent Items with the exception of Items 11, 12, 13, 30, 31 and 32.

Approve Minutes

1. Approve Minutes for the December 19, 2016 Regular Council Meeting.
2. Approve Minutes for the December 27, 2016 Special Council Meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)

Alcoholic Beverage License Applications Set for Hearing (January 17, 2017)

3. The Green Bean LLC DBA Harriet Café, 329 Main Street, Suite 2 for a Retail (on-off sale) Wine License

Public Works Committee Consent Items

4. No. PW122716-01 – Confirm the Reappointment of Greg Oleson to the Parks & Recreation Advisory Board.
5. No. PW122716-02 – Confirm the appointment of Kyle Hibbs to the Rapid City Air Quality Board.
6. No. PW122716-03 – Approve Change Order #2F to Complete Contracting Solutions for Street Maintenance Administrative Improvements, Project No. 16-2320 / CIP No. 51109 for an increase of \$25,453.00.
7. No. PW122716-04 – Approve Change Order #1F to Hills Materials Company for Pavement Rehabilitation North Plaza Drive, Project No.15-2299 / CIP No. 50844 for an increase of \$10,857.87.

8. No. PW122716-05 – Approve Change Order #1F to Hills Materials Company for Pavement Rehabilitation Steamboat Circle, Project No.15-2324 / CIP No. 50549 for an increase of \$9,493.54.
9. No. PW122716-06 – Authorize Staff to Advertise for Bids Rapid Valley Sanitary Sewer Bypass, Project No. 13-2076 / CIP 50911. Estimated Cost: \$1,160,000.00.
10. No. PW122716-07 – Authorize Staff to Advertise for Bids East Rapid Water Expansion Southside Drive Water Main Extension, Project 14-2193 / CIP No. 50964.A. Estimated Cost: \$750,000.00.
14. No. PW122716-11 – Authorize Mayor and Finance Officer to Sign Construction Professional Services agreement between City of Rapid City and FMG Engineering for South Truck Route Drainage Basin Design Plan-Element, Project No. 14-2207 / CIP No. 51031.
15. No. PW122716-12 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-001 Construction Fee Resolution for Deadwood Avenue Water Extension – Project No. 11-1978 – Frontage Fee.

Resolution # 2017-001

CONSTRUCTION FEE RESOLUTION FOR DEADWOOD AVENUE WATER EXTENSION – PROJECT
NO. 11-1978 – FRONTAGE FEE

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, a 14" water main was extended in Deadwood Avenue per City Project No. 11-1978 and

WHEREAS, the benefiting properties vary in frontage length and acreage such that calculating the benefits on a purely frontage basis or a purely benefiting property basis would lead to relatively large fees for some parcels and relatively small fees for other parcels, for essentially the same benefit; and

WHEREAS, the City's engineering staff has allocated 67% of the 8" equivalent base water main cost on a per property basis and 33% of the 8" equivalent base water main cost of a front footage basis; and

WHEREAS, the total cost of constructing this water main was \$300,987.55; of which \$86,866.99 will be allocated on a front footage basis for the 8" equivalent water main cost; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a front footage basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a front footage basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be

required to pay a proportionate share of the cost of constructing the 8" equivalent water main shown in City Project No.11-1978; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$59.43 per front footage to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$86,866.99 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

16. No. PW122716-13 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-002 Construction Fee Resolution for Deadwood Avenue Water Extension – Project No. 11-1978 – Per Benefit Fee.

Resolution # 2017-002
CONSTRUCTION FEE RESOLUTION FOR DEADWOOD AVENUE WATER EXTENSION – PROJECT
NO. 11-1978 – PER BENEFIT FEE

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, a 14" water main was extended in Deadwood Avenue per City Project No. 11-1978 and

WHEREAS, the benefiting properties vary in frontage length and acreage such that calculating the benefits on a purely frontage basis or a purely benefiting property basis would lead to relatively large fees for some parcels and relatively small fees for other parcels, for essentially the same benefit; and

WHEREAS, the City's engineering staff has allocated 67% of the 8" equivalent base water main cost on a per property basis and 33% of the 8" equivalent base water main cost of a front footage basis; and

WHEREAS, the total cost of constructing this water main was \$300,987.54; of which \$176,366.32 will be allocated on a per property basis for the 8" equivalent base water main cost; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per property basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" equivalent water main shown in City Project No.11-1978; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$29,394.39 per property to connect to the City's water utility; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$176,366.32 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

17. No. PW122716-14 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-003 Construction Fee Resolution for Deadwood Avenue Water Extension – Project No. 11-1978 – Oversize Fee.

Resolution # 2017-003
CONSTRUCTION FEE RESOLUTION FOR DEADWOOD AVENUE WATER EXTENSION - PROJECT NO. 11-1978 – OVERSIZE FEE

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City's water utility; and

WHEREAS, a 14" water main was extended in Deadwood Avenue per City Project No. 11-1978 and

WHEREAS, the City's total cost of constructing this water main was \$300,987.55 of which \$37,754.24 is for water oversize; and

WHEREAS, the City's engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's water utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the oversize cost of constructing the 14" water main shown in City Project No. 11-1978; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$302.20 to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Water Utility Enterprise fund and the Utility Support Fund with 69% reimbursed to the Water Utility Enterprise Fund and 31% reimbursed to the Utility Support Fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$37,754.24 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

18. No. PW122716-15 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-004 Construction Fee Resolution for Deadwood Avenue Sanitary Sewer Extension – Project No. 11-1978 – Frontage Fee.

Resolution # 2017-004
CONSTRUCTION FEE RESOLUTION FOR DEADWOOD AVE SANITARY SEWER EXTENSION –
PROJECT NO. 11-1978 – FRONTAGE FEE

WHEREAS, SDCL 9-48-15 and Section 13.08.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City's sewer utility; and

WHEREAS, an 8" sewer main was extended in Deadwood Ave per City Project No. 11-1978 and

WHEREAS, the total cost of constructing this sewer main was \$242,033.55, of which \$79,871.07 will be allocated on a front footage basis; and

WHEREAS, the City's engineering staff had identified the total area that will benefit from construction of this sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's sewer utility; and

WHEREAS, the City's Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a front footage basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a front footage basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" sewer main shown in City Project No. 11-1978 and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$54.89 per front footage to connect to the City's sewer utility; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$79,871.07 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

19. No. PW122716-16 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-005 Construction Fee Resolution for Deadwood Avenue Sanitary Sewer Extension – Project No. 11-1978 – Per Benefit Fee.

Resolution # 2017-005
CONSTRUCTION FEE RESOLUTION FOR DEADWOOD AVE SANITARY SEWER EXTENSION
PROJECT NO. 11-1978 – PER BENEFIT FEE

WHEREAS, SDCL 9-48-15 and Section 13.08.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City's sewer utility; and

WHEREAS, an 8" sewer main was extended in Deadwood Ave per City Project No. 11-1987 and

WHEREAS, the total cost of constructing this sewer main was \$242,033.55; of which \$162,162.48 will be allocated on a per property basis and

WHEREAS, the City's engineering staff had identified the total area that will benefit from construction of this sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's sanitary sewer utility; and

WHEREAS, the City's Public Works Director is recommending the construction cost be apportioned to the benefitting area shown in Exhibit A based on the benefits that accrue to such property, and as such, should be established on a per property basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sewer system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" sewer main shown in City Project No. 11-1987 and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$23,166.07 to connect to the City's sewer utility; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$162,162.48 has been collected, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

20. No. PW122716-18 – Authorize payment to Rex and Cathleen Conrad for Temporary and Permanent Drainage Easements at 405 12th Street. Total direct compensation of \$26,335.00.
21. No. PW122716-19 – Approve a request by Hagg Brothers, LLC for authorization to prepare an H-Lot located in the SE1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to authorize acceptance of the deed once all subdivision improvements have been completed and the project as a whole is ready to be accepted by the City.
22. No. PW122716-20 – Approve a request by Hagg Brothers, LLC for authorization to prepare an H-Lot located in the SW1/4 of the NW1/4 of Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and to authorize acceptance of the deed once all subdivision improvements have been completed and the project as a whole is ready to be accepted by the City.
23. No. PW122716-17 – Approve a Request from Gray Television, Inc. for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Skyline Drive, Rapid City.
24. No. PW122716-21 – Authorize Parks and Recreation Department to harvest 100 deer for the 2016/2017 season.

Legal & Finance Committee Consent Items

25. No. LF122816-04 – Authorize Mayor and Finance Officer to Sign Memorandum of Understanding Between the City of Rapid City and the International Association of Fire Fighters, Local 1040 to Address Paid Time Off for Paramedic School Participants
26. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Kari Johnson, Carla Brutico, Christine Kennedy, Marty Leberknight
27. No. LF122816-01 – Acknowledge October 2016 Sales Tax Report
28. No. LF122816-02 – Acknowledge November 2016 General Fund Cash Balance Report
29. No. LF122816-05 – Authorize Mayor and Finance Officer to Sign No Build Easement and Agreement with 118 Main Street LLC and Lee Consolidated Holdings Co.

CIP Committee Consent Items

33. No. CIP121616-00 - Acknowledge Capital Improvement Programs Committee Monthly Update for November 2016
34. No. CIP121616-03 - Approve Capital Plan for Government Facilities
35. No. CIP121616-04 - Approve Capital Plan for Fire Vehicles
36. No. CIP121616-05 - Approve Capital Plan for Parks & Recreation
37. No. CIP121616-06 - Approve Capital Plan for Information Technology
38. No. CIP121616-02 - Approve Capital Plan for Streets, Drainage, MIP Projects

END OF CONSENT ITEMS

Mayor read in item (No. PW122716-08) – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for Cambell Street Box Culvert Outlet Repair, Project No. 15-2313 / CIP No. 51035. Mayor read in item (No. PW122716-09) – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for 12th Street Bridge Repair Project, Project No. 16-2367 / CIP No. 51139. Mayor read in item (No. PW122716-10) – Authorize Mayor and Finance Officer to Sign Bridge Improvement Grant Agreement with South Dakota Department of Transportation for Cherry Avenue Bridge Repair Project, Project No. 16-2368 / CIP No. 51140. Motion was made by Drew, second by Salamun to approve items 11, 12, 13 together. In response to a question from Drew, Sumption said she

would defer to Dale Tech for the funding response. Tech said there is money available for the City's 20% of the grant through the Capital Improvement Plan for Streets, Drainage and Miscellaneous. He stated every year they budget money in that fund for bridge repair. Motion passed 8-0.

Mayor read in item (No. 16VE020) – Elks Crossing – Uphold staff's decision to deny a request by Karissa Steiger for a Vacation of Easement for property generally described as being located at 4330, 4340, 4350, 4360, 4370, 4402, 4410, 4418, 4426, 4434, 4514, 4522 and 4538 Duckhorn Street. (This item was continued from the November 21, 2016, City Council Meeting). Mayor read in item (No. 16VE021) – Elks Crossing - Uphold staff's decision to deny a request by Karissa Steiger for Cora Jo and Elton Barber for a Vacation of Easement for property generally described as being located at 4835 Vinecliff Drive. (This item was continued from the November 21, 2016, City Council Meeting). Mayor read in item (No. 16VE022) – Elks Crossing - Uphold staff's decision to deny request by Karissa Steiger for Craig and Stacy Wehrle for a Vacation of Easement for property generally described as being located at 4419 Vinecliff Drive. (This item was continued from the November 21, 2016, City Council Meeting). Modrick said the City and the Duckhorn and Vinecliff neighborhood came together and took the time to allow City Council and the departments to go over their options. She said this happened due to no fault of the residents. She recommends that they compromise with a 10-foot easement and not put the entire neighborhood in financial distress. The compromise still meets the regulations and obligations and the swail in order to take care of itself. She feels it's up to the Council to meet the neighborhood in the middle and approve their compromise. Motion was made by Wright, second by Roberts to amend the easement to 10-foot versus 20-foot. Wright said the certification states the 10-foot easement will provide for a 100-year flood which is set forth in the design criteria and that all fences, all obstructions be removed from within the proposed 10-foot and any future encroachments are prohibited. The property owners are obligated to perform all maintenance in the drainage swail with the exception being the 20-foot drainage easement will remain the rear lots of 1, 2 and 29 to accommodate the drainage swail. In response to a question from Laurenti, Tech said it's the title company's responsibility to do a thorough search of all documents recorded at the court house. He said there was a recorded drainage easement that proceeded the platting of all these lots. The document handed out tonight is a mortgage survey and they aren't certifying anything more than there is a house located on this lot. The document is not the official survey of the major drainage easement. Laurenti asked how future homeowner's get their right description. Tech said there isn't anything the City can do. The appropriate paperwork is recorded at the Register of Deeds. It is not the City's responsibility to notify property owners of the encumbrances. It is the responsibility of the property to know what things exist on their property. Estes said the mortgage surveyor did not do his homework. Estes said the plat is public record and it's filed. He went to the courthouse and pulled the plat and it shows the 20-foot drainage easement. He said the plat refers to the major drainage easement document and also to the covenants. He said covenants are subject to change, but easements don't change. Estes understands why the homeowners are upset but the City didn't take anything away from them. This easement was in place before the neighbors were involved in the chain of title. Doyle said changing this is not in the best interest of all the taxpayers in Rapid City. She said if the maintenance ends up being an issue then it's a covenant issue and the City doesn't even get involved. In response to a question from Doyle, Landeen said the easement maintenance referred to in the covenants is likely in regards to mowing it. The major drainage easement document was filed to reserve the rights of the City. In response to a question from Roberts, Trelor said the staff report specifically ties the easement to the language in the covenants. Roberts said the survey is a location survey, it has nothing to do with easements. He said the title work should have provided the information regarding the 20-foot easement. Roberts supports making the easement smaller. He said it's a closed drainage area where the only drainage is coming from the back yards. He trusts the engineer and having accurate flow rates. Salamun said the engineering data does support the 100-year flood at 10-feet and he will support the change. In response to a question from Drew, Karissa Steiger said some homeowners will still have to move their fences even if it's changed to 10 feet. Tech said the applications for the vacation of easements were incomplete. Wright confirmed the homeowner would hire a land surveyor in order to process these recorded documents. Mayor said just to clarify there will be additional expenses by the homeowners to clear up the legal issues. Wright said he wanted to clarify that the easement is not being vacated, it is being reduced. Modrick asked the Council to support the motion. She said the

residents brought in the necessary documents and were told they were good by City staff. In response to a question from Laurenti, Landeen said there is potential for liability but the City also has legal defenses as well. He said there is potentially some risk with changing the easement. In response to a question from Doyle, Trelor said the flow rate is designed for the 100 year flow specifically. In response to a question from Doyle, Tech said there's always a chance for a storm to occur to exceed the capacity of a 10-foot wide channel and any encroachments would negatively affect the flow and pushing it onto an adjoining property or pooling up. Doyle said she has seen this create problems for neighbors in other developments and she can't support it. Wright said he trusts the licensed engineer and his vote is based on science and engineering not on opinion. Estes said the easement is granted for the benefit of the City of Rapid City. He said the 20-foot easement is in place in order to get equipment in there if needed. He stated they are now basing the easement on flow and not the ability to service it and he doesn't agree with that. Roberts called the question. Motion passed 5-3 with Doyle, Estes and Laurenti voting no. Mayor said staff would work with the homeowners on a reasonable time frame to get this changed.

NON-CONSENT ITEMS – Item 39

Bryan Vulcan addressed the Council regarding the parking lot. He said he is a downtown property owner and supports development of the parking site. He said it needs to be developed for all of Rapid City not just downtown owners or developers. He encourages Council to consider option #4. He said the critical issue has always been parking. He stated to make the area work it needs some sort of parking ramp. He would like to see the City use City funds to do this. He thinks the City should partner with the developer to do this project. He said to go to other communities and use their model. He encourages Council to move forward and do something. He thinks Vision Funds should be used to help develop the area.

Mayor's Items

Mayor read in item (LF122816-06) – Discussion of Options for Parking Lot Located on the Corner of 5th and St. Joseph Street. Mayor said he'd like guidance from the Council. He asked if they would like working group put together or what type of process they would like to discuss this topic. He said it's not realistic to resolve this tonight. Wright suggested the Council meet on January 23, 2017 to discuss options and move forward. In response to a question from Salamun, Landeen said they could replat the property. The City could build the ramp and sell the remaining parcel. Salamun said the property is prime real estate. It is close to the vibrant downtown. He thinks the property will sell itself. He does think there should be a parking structure there. He said he's not sold on option 4, would like some sort of hybrid of option 3. Estes agrees that a special meeting is necessary. He said with the last project it was hard for the tax payers to see where their money was being used and the developer's money was being used. He is in favor of having a parking structure and looking into the RFP's. Mayor suggested Council give staff ideas of what needs to be researched and brought to the next meeting so it's not just a brainstorming meeting. Roberts asked how this would be financed if the City took on the parking ramp. He said there needs to be a footprint of what the City's portion is going to look like. He doesn't want to put too many stipulations on the property where it becomes unattractive for developers. Motion by Laurenti, second by Robert to continue this item to a special council meeting on January 23, 2017 at 6:30 p.m. Sumption stated the School Board is meeting in chambers that night. Wright said to schedule the meeting in the Community Room. Drew said it sounded like Council is taking options 1, 2 and 3 off the table and looking at options 4 and 5 or hybrids of those. Salamun said option 3 is still on the table for him. He asked if staff could get Council information on the parking structure that was being considered before. He said no matter what structure goes there, the need for parking is essential. In response to a question from Estes, Sumption said she could put together some figures for bond pay offs. She said the bond council could help with figures. They will look at the loss of revenue for 130 spots. Estes said there is a lot to discuss regarding the spots that are currently there and how many spots the City will lose or gain. Laurenti said he would save his comments until the January 23, 2017 special council meeting, but he is leaning toward option 3. Motion passed 8-0.

PUBLIC HEARING ITEMS

CONSENT PUBLIC HEARING ITEMS – Item 40 - 44

Motion was made by Laurenti, second by Modrick and carried to approve Items 40-44.

Alcohol Licenses

- 40. Black Hills Chapter of Germans from Russia Heritage Society for a SPECIAL EVENT Malt Beverage License for an Event Scheduled for March 6, 2017 at Blessed Sacrament Parish Center, 4500 Jackson Blvd
- 41. Rapid City Chamber of Commerce for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for January 19, 2017 at Ketel Thorstenson, 810 Quincy Street
- 42. Wal-East Development Inc. DBA Wal-East Development Inc., 2205 N. LaCrosse Street for a Retail (on-sale) Liquor TRANSFER from Sioux Restaurants LLC / Quantum Leap Restaurants LLC, DBA TGI Friday's, 2205 N. LaCrosse Street
- 43. JYE Group, Inc. DBA Sumo Japanese Kitchen, 214 E. St. Joseph Street for a Retail (on-off sale) Wine and Retail (on-off sale) Malt Beverage TRANSFER from Sumo Corp. DBA Sumo Corp., 214 E. St Joseph Street

Assessment Rolls

- 44. No. LF122816-03 – Approve Resolution No. 2016-093B a Resolution Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2016-093
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 3rd day of January, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS

The following bills have been audited.

BILLLIST – JANUARY 3, 2017

P/ROLL PERIOD END 12/31/16, PD 12/30/16	1,714,190.77
P/ROLL PERIOD END 12/24/16, PD 12/30/16	1,238,315.23
CDEV P/ROLL PERIOD END 12/24/16, PD 12/30/16	3,195.23
PIONEER BANK & TRUST, 12/31/16 P/ROLL TAXES, PD 12/30/16	404,740.92
PIONEER BANK & TRUST, 12/24/16 P/ROLL TAXES, PD 12/30/16	139,450.31
CDEV PIONEER BANK & TRUST, 12/24/16 P/ROLL TAXES, PD 12/30/16	432.41
WELLMARK INC, HEALTH CLAIMS THROUGH 12/23/16, PD 12/29/16	211,482.67
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/27/16, PD 12/28/16	2,230.73
US BANK, CREDIT CARD CHARGES, PD 12/29/16	52,088.26
CITY-LIABILITY INSURANCE FUND, 2017 LIABILITY INSURANCE	193,365.50
CITY-WORKERS COMPENSATION FUND, 2017 WORK COMP	1,336,508.00
CITY-WORKERS COMPENSATION FUND, 2017 WORK COMP - CDEV	875.00
IIARC, 2017 WORK COMP PREMIUM	445,502.00
IIARC, 2017 WORK COMP PREMIUM - CDEV	292.00
IIARC, 2017 AIRPORT GENERAL LIABILITY PREMIUM	25,920.00
BLACK HILLS INSURANCE, 2017 INSURANCE PREMIUMS	1,032,157.00
HUMANE SOCIETY OF THE BLACK HILLS, JAN17 HUMANE SOCIETY	23,193.17
COMPUTER BILL LIST	382,267.30
CDEV COMPUTER BILL LIST	9,408.19
SUBTOTAL	7,215,614.69
RSVP, P/ROLL PERIOD END 12/24/16, PD 12/30/16	3,273.59
RSVP, PIONEER BANK & TRUST, 12/24/16 P/ROLL TAXES, PD 12/30/16	446.85
RSVP, CITY-LIABILITY INSURANCE FUND, 2017 LIABILITY	130.50
RSVP, CITY-WORKERS COMPENSATION FUND, 2017 WORK COMP	113.00
RSVP, IIARC, 2017 WORK COMP PREMIUM	38.00
RSVP, BLACK HILLS INSURANCE, 2017 INS PREMIUM	261.00
RSVP, COMPUTER BILL LIST	81.34
TOTAL	7,219,958.97

Sumption presented the bill list total of \$7,219,958.97. Motion was made by Laurenti second by Salamun and carried to authorize (No. CC010317-01) 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 Roberts and carried to adjourn the meeting at 8:00 p.m.

Dated this 3rd day of January, 2017.

ATTEST:

Finance Officer

(SEAL)

CITY OF RAPID CITY

Mayor