

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 17, 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 Monday, April 17, 2017 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, 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: Amanda Scott

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Interim Public Works Director Dale Tech, Interim Fire Chief Rod Seals, Parks & Recreation Director Jeffrey Biegler and Administrative Secretary Paula Arthur.

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayoral Proclamation for National Volunteer Week, April 23-29th, was presented to Lynn Taylor Ric and representatives of our community volunteer organizations. Volunteers use their time and talents daily to make a difference in the lives of children, adults and elderly in our community.

Mayor Allender presented the Veteran of the Month for April 2017 to Dean Stetson II and recognized his efforts and dedication to the service of his country and community.

Mayor Allender presented the Hidden Hero of the Month for April 2017 to Amber Oldfield and recognized her sacrifice, compassion and dedication to veteran caregiving.

GENERAL PUBLIC COMMENT

Hani Shafai addressed the Council. He spoke on the Street CIP Budget and items that he felt impact the members of our community and the safety of the public. He stated the City has currently spent approximately 12 million dollars total on Seger Drive and zero dollars on Sheridan Lake Road in the last 5 years. Shafai presented figures showing that Sheridan Lake Road has more average daily traffic, more traffic accidents and more injuries from accidents than Seger Drive. He stated we have dirt roads within our community fronted by people who have been paying taxes for over 50 years. He recommended that the city increase their street reconstruction budget and prioritize reconstruction based on public safety as the number one criteria.

Rick Bell, a resident of Rapid City and a registered professional engineer who has worked in environmental clean-up, addressed the council. He discussed the In-Situ Leachate Uranium Mining operation that has been proposed here in the Black Hills. He stated the US EPA recently issued draft permits to a company called Powertech (Azarga) for the proposed ISL Uranium Mining operations in Custer and Fall River Counties. Bell feels this is a bad idea for this area and the geology that is here. He stated a ground water contamination problem would be created and the injections of wastewater would eventually get into the Madison aquifer, which is where Rapid City's drinking water is obtained. He wants to keep our water pure. Bell would like us to support our local economy and the sustainable growth that is happening here in the Black Hills. He asked the Council to consider passing a resolution stating that In-Situ Uranium Mining poses an unacceptable risk to the city's primary source of drinking water. Bell encouraged citizens who are concerned about this situation to attend one of the local EPA hearings on

the proposed ISL Uranium Mining. A hearing is scheduled in Rapid City, at the Best Western Ramkota Hotel, on May 8th and 9th from 1-8 p.m.

NON-PUBLIC HEARING ITEMS -- Items 4 – 45

Charles Henrie spoke on Items 6-9. He stated that part of his platform for running for council is cleaning up some expenditures of the City. He said the City pays half of the 24/7 Program and half of the Detox Program. He questions why the City is passing alcohol beverage licenses that are enabling this problem.

Janelle Finck, an agent of Fisk Land Surveying and a friend of Sylvia Conrad, spoke on Item 31. She requested that the Council remove this item from the consent agenda for discussion. She presented arguments for the de-annexation of this property. Finck asked the Council to consider Conrad's request to de-annex this property and allow the property to return to the county.

CONSENT ITEMS – Items 4 – 37

The following items were removed from the Consent Items:

Tax Increment Finance Set for Hearing (May 1, 2017)

5. No. 17TI001 - A request by Doyle Estes and Kathy Johnson for DTH, LLC for a Resolution approving Revision #2 Project Plan Reallocating Project Costs for Tax Increment District No. 54 for property generally described as being located north of Mall Drive and west of Haines Avenue.
27. No. LF041217-04 – Acknowledge February 2017 Sales Tax Report.
31. No. 17AN001 – Deny a request by Sylvia Conrad for Resolution No. 2017-008 - Resolution for De-Annexation for property generally described as being located in the southwest of the current terminus of Sedivy Lane. (This item was continued from the February 21, 2017 City Council meeting per the applicant's request.)

Motion was made by Laurenti, second by Salamun and carried to approve Items 4-37 as they appear on the Consent Items with the exception of Items 5, 27 and 31.

Approve Minutes

4. Approve Minutes for the April 3, 2017 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (May 1, 2017)

6. Main Street Square for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for May 6, 2017 at Main Street Square, 526 Main Street
7. Rushmore German Club for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for August 18, 2017 through August 27, 2017, at Central States Fairgrounds, 800 San Francisco Street
8. United Food Inc. DBA Toby's Casino, 720 E North Street, Suite 100 for a Retail (on-off sale) Malt Beverage License TRANSFER from United Food Inc. DBA Toby's Casino, 720 E North Street
9. United Food Inc. DBA Toby's Casino, 720 E North Street, Suite 110 for a Retail (on-off sale) Malt Beverage License with Video Lottery from Carolyn's Casino, Inc. DBA Carolyn's Casino Inc., 355 11th Street

Public Works Committee Consent Items

10. No. PW041117-01 – Authorize Staff to Advertise for Bids for Station 5 Improvements, Project No. 2073 / CIP No. 51158. Estimated cost: \$500,000.00.
11. No. PW041117-02 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – E Madison and Racine, Project No. 17-2362 / CIP No. 50844. Estimated Cost: \$250,000.00.
12. No. PW041117-03 – Authorize Staff to Advertise for Bids for 2017 Chip Sealing Project, Project No. 17-2379 / CIP No. 50844. Estimated Cost: \$375,000.00.

13. No. PW041117-04 – Authorize Staff to Advertise for Bids for 2017 Lane Line Painting, Project No. 17-2374 / CIP No. 50594. Estimated Cost: \$100,000.00.
14. No. PW032817-09 – Authorize Mayor and Finance Officer to Sign South Dakota Department of Transportation Right-of-Way and Utilities Certificates for Improvements to 6th Street At Grade Railroad Crossing. (Continued from the March 28, 2017, Public Works Committee Meeting)
15. No. PW032817-10 – Authorize Mayor and Finance Officer to Sign South Dakota Department of Transportation Right-of-Way and Utilities Certificates for Improvements to West Boulevard At Grade Railroad Crossing. (Continued from the March 28, 2017, Public Works Committee Meeting)
16. No. PW041117-05 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Skyline Engineering, LLC for Professional Services for Well No. 9 Electrical Improvements, Project No. 16-2365 / CIP No. 51145 in the amount of \$26,460.00.
17. No. PW041117-06 – Authorize Mayor and Finance Officer to Sign a construction agreement with Black Hills Energy for relocation of existing electrical facilities for Meade/Hawthorne DBDP - Element 48 Project No. 15-2306, CIP No. 50758, in the amount not to exceed \$25,000.00.
18. No. PW041117-07 – Authorize lowering the percentage of work that the Contractor must perform, with their own organization, from 50% to 35% for the Anamosa Street Reconstruction – Midway Street to Milwaukee Street, Project No. 07-1473 / CIP No. 50559.
19. No. PW041117-08 – Approve Extending Contract Bid to Hawkins Inc. for chemicals to Jackson Springs.
20. No. PW041117-09 – Authorize Staff to Purchase a 2017 Class BJ, Truck Utility 4X4, 4WD, 4 Door, Jeep Grand Cherokee with State Bid Contract #16998 from Wegner Auto in the Amount of \$29,100.00 with a Delivery Fee of \$180.00 for a Total Amount of \$29,280.00.
21. No. PW041117-13 – Approve a Request from Tyler Schad to make street improvements within Section Line Right-of-Way, located between Section 32, T2N, R7E and Section 5, T1N, R7E, generally located off Pinedale Circle for access to a Single Family Residence to be located in Pennington County which includes construction of a large embankment immediately upstream of City limits.

Legal & Finance Committee Consent Items

22. No. LF032917-06 – Approve Request for Property Tax Abatement as Follows: Alvin Fransen, 2016, \$207.34; (Total for City of Rapid City: \$207.34)
23. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Maureen Maroney, Lori Desalvo
24. No. LF041217-01 – Acknowledge February 2017 General Cash Balance Report
25. No. LF041217-02 – Approve Request for Property Tax Abatement as Follows: Pamela Adamson, 2016, \$207.85; (Total for City of Rapid City: \$207.85)
26. No. LF041217-03 – Approve Resolution No. 2017-027A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2017-027
RESOLUTION FIXING TIME AND PLACE FOR
HEARING ON ASSESSMENT ROLL FOR
CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 17th day of April, 2017. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 15th day of May, 2017 at 6:30 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.

3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 17th day of April, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 28. No. LF041217-07 – Approve Application for Abatement of Stormwater Drainage Utility Fee Assessment for Parcel ID Number 52769
- 29. No. LF041217-08 – Approve Application for Abatement of Stormwater Drainage Utility Fee Assessment for Parcel ID Number 58540
- 30. No. LF041217-06 – Authorize Mayor and Finance Officer to Sign a Memorandum of Understanding with Chapter 3 of the Disabled American Veterans to Pay for the Installation of a Flag Pole and Memorial with Funds from the City’s Vision Account

Bid Award Consent Items

- 32. No. CC041717-02.1 – Approve award of Total Bid for Anamosa Street Reconstruction - Midway Street to Milwaukee Street, Project No. 07-1473 / CIP No. 50559 opened on April 11, 2017, to the lowest responsible bidder Hills Materials Company, in the amount of \$3,941,397.20.
- 33. No. CC041717-02.2 - Approve award of total bid for 2017 Street Patching Project, Project No. 16-2354 / CIP No. 50844 opened on April 11, 2017 to the lowest responsible bidder, Complete Concrete, Inc. DBA Complete Contracting Solutions in the amount of \$156,029.08.
- 34. No. CC041717-02.3 – Approve award of total bid for East St. James 12" Water Main Loop, Project No. 16-2346 / CIP No. 50917 opened on April 11, 2017 to the lowest responsible bidder Mainline Contracting, Inc. in the amount of \$116,685.48.
- 35. No. CC041717-02.4 – Approve award of total bid for Tatanka Road Water Main Extension, Project No. 16-2357 / CIP No. 51152 opened on April 11, 2017 to the lowest responsible bidder Hills Materials Company, in the amount of \$82,958.74.
- 36. No. CC041717-02.5 – Approve award of total bid for Creek Drive Bridge Repairs, Project No. 16-2366 / CIP No. 51154 opened on April 11, 2017 to the lowest responsible bidder J.V. Bailey Company, Inc. in the amount of \$72,680.56.
- 37. No. CC041717-02.6 – Approve award for Cell 13, 14, & 17 GCCS Expansion, Project No. 16-2370 to DOT Energy, the lowest responsible bidder, for their bid opened on Tuesday, April 11, 2017 of \$725,100.00

END OF CONSENT ITEMS

Tax Increment Finance Set for Hearing (May 1, 2017)

Mayor read in item (No. 17T1001) A request by Doyle Estes and Kathy Johnson for DTH, LLC for a Resolution approving Revision #2 Project Plan Reallocating Project Costs for Tax Increment District No.

54 for property generally described as being located north of Mall Drive and west of Haines Avenue. Laurenti made a motion to reduce the professional services cost to the 15% threshold, which would be reducing the professional services from approximately \$642,000 to \$400,000. Mayor made a point of order that this item is just on the agenda to set the hearing for May 1, 2017. Laurenti stated that he understood that Council was just scheduling a pre-hearing, but he also understood that Council had the ability to amend a TIF and its costs at any point during the process. In response to a question from Laurenti, Attorney Nyberg stated that since this item is titled as a set for hearing on the agenda, as far as public notice, he thought the safest course would be to wait until it actually comes up for hearing if Laurenti wants to make some changes. Laurenti withdrew his motion. Motion was made by Wright, second by Roberts to set for hearing. Motion carried 7-1 with Roberts voting no and Estes abstaining.

Mayor read in item (No. LF041217-04) Acknowledge February 2017 Sales Tax Report. Laurenti wanted to make the public aware that another month has gone by with the City in a situation with negative sales tax growth over the previous year. The City is sitting at a negative 2.2%. Laurenti stated the Council and the Mayor are on top of this and as they move through the budget year, they will do what it takes as a Council to make sure that they stay on budget. He stated if that means cuts, then we need to do so. In response to a question from Wright, Sumption stated that Council can do cuts or they can utilize the undesignated cash and/or reserves that are in the general fund as a contingency plan. Motion was made by Drew, second by Nordstrom to acknowledge. In response to a question from Drew, Sumption stated that the 2.2% in actual dollars is about \$80,000 for first two months of this year versus first two months of last year. Sumption stated that the Council had budgeted a 2% increase, so the \$80,000 is the amount needed to be even to last year and it would be another \$80,000-\$90,000 on top of that or about \$150,000 short of budget. Drew thanked Sumption for keeping Council apprised of what that amount is. Motion carried 9-0.

Doyle read in item (No. 17AN001) Deny a request by Sylvia Conrad for Resolution No. 2017-008 - Resolution for De-Annexation for property generally described as being located in the southwest of the current terminus of Sedivy Lane. (This item was continued from the February 21, 2017 City Council meeting per the applicant's request.) Motion was made by Doyle, second by Modrick to approve the request. Modrick stated that she can support the de-annexation because the property is a prime location for agricultural development with the need of sod farms that we have. Modrick supports moving forward with the request and not denying it. In response to a question from Laurenti, Sarah Hanzel, Planner, stated the biggest issue that staff was looking at was the "jurisdictional donut hole" in that area. She stated from staff's perspective it doesn't make sense to remove something from the city limits that is surrounded by the city limits on all sides. In response to a question from Laurenti, Hanzel stated that sod farming is allowed on that property under the current zoning. In response to a question from Wright, Finck stated that the sod farm that operates further to the east of this property is interested in this property to utilize it for sod farming. The current sod farm is entirely in the county and is regulated by county zoning, county jurisdictions and county taxes. The owner of that sod farm is not interested in having something that is dual jurisdictional, as it complicates his ability to use the property when you are dealing with two different sets of ordinances, two different sets of zoning and regulations, and different tax issues. She stated that the City collects taxes on this property, as well as drainage basin fees, for a property that essentially has been undeveloped and doesn't contribute to drainage issues. In response to a question from Laurenti, Hanzel stated that if the property were to be de-annexed, there would be a \$400-\$600 savings in taxes per year. She feels that part of the issue is that this property isn't currently assessed with an agricultural use because it is undeveloped, but if it were to be developed with an agricultural use, such as the sod farming that is suggested, the taxation code type could change. In response to another question from Laurenti, Hanzel stated that under the flood hazard district and general agricultural district zoning they are able to do the sod farm. In response to a question from Doyle, Hanzel said the criteria were not set up to have equal weight given to each item and there is not a weighting system. Hanzel agreed with Doyle that the criteria are entirely subjective. Hanzel stated the criteria are meant to give guidance on things to be looked at when making these kinds of decisions. In response to another question from Doyle, Hanzel stated that there are difficulties with developing this

particular piece of property. Tech stated that with an unlimited budget, you could provide services to any parcel. He stated the City has literally hundreds, if not thousands, of acres in our corporate limits that meet this very same definition where they are too far away from services at the moment, but in the future, when land becomes more valuable and sought after, it will become more cost effective to try to get services to those properties. In response to a question from Nordstrom, Hanzel stated the City would lose about \$350 per year in storm water and drainage fees. In response to a question from Modrick, Finck stated that there is a significant amount of land here that is flood plain/flood hazard that they do not see developing in an imminent manner. She said the amount that it would take to bring the utilities and roads to this property far outweigh the value of the property. She pointed out that even if they would de-annex today, if the developmental potential changes, this property can be re-annexed at any point. In response to a question from Salamun, Hanzel stated this property was platted into the 20 acre tract, along with several other parcels, and even though annexation was required at that time, it was missed, so it was retroactively involuntary annexed after it was platted. In response to a question from Drew, Finck stated that floodway is really technically not developable in terms of structures, but there is also 100 year floodplain which can be developed under certain circumstances and then the zoning that is flood hazard really prohibits any type of structural development on the property. There is the FEMA regulation and the zoning regulation. She stated the easterly third, at present, is really the only developable area of the 20 acres. Motion carried 9-0.

RESOLUTION 2017-008
A RESOLUTION EXCLUDING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be excluded from the City; and

WHEREAS, the territory that the petitioners are seeking to have excluded is on the border of the City of Rapid City and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be excluded and thereby removed from the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 20 acres, more or less, is hereby removed from the corporate limits of the City and excluded from the City:

The N1/2 of the SW1/4 of the NE1/4 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota property more commonly described as lying southwest of the current terminus of Sedivy Lane

Dated this 17th day of April, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

NON-CONSENT ITEMS – Items 38 – 45

AJ Hoar, Rachelle Jensen and Kayla Inman spoke on Item 38. Hoar stated that they missed the March 20th meeting and they had some questions and potential concerns on the Park's rules and regulations. She is concerned about the enforcement. Hoar questioned if the radio controlled apparatuses are the remote cars or the e-collars? She stated that she understood they were going to go into more detail on the designated areas. She said that under the title of animals, there is a section that states you can't go into any area with no dogs allowed, but that was not covered under designated areas. She would like to know where these areas are, as she has never seen those signs, and she goes through four parks in one night with two dogs. Jensen stated she goes through 2-3 parks and she has never seen any areas that are designated no dogs allowed, so they are curious as to where these are. Her other concern is dealing with the off leash areas. One of them, in Braeburn Park, is horrendously overcrowded with dogs charging everybody and everything and she is wondering if the City is looking at fencing since this is along a very busy highway. Robbinsdale Park is another park next to another busy street. She wondered if the City could possibly have a large dog area and a small dog area in these off leash areas to prohibit any fighting. Jensen also questioned how the leash law would be enforced. Inman questioned the "no person shall permit any other animal, wild or domestic" wording in the rules, as she sees people walking cats and she would like to know if there is a potential for allowing cats into the park. Jensen stated they have questions as to how these rules and regulations came about and why all of a sudden there are concerns.

Chris Dale, citizen and small business owner of Nosh food truck, spoke on Item 38. He has a few concerns about some of the proposals contained within the Park's regulations and ordinances. He stated that when comparing the new proposals with the existing proposals, there appears to be a doubling of the volume of words being added to regulation. He feels that the regulations are grossly expanding and there is adding of brand new sections to some of the Park's regulations. He states some of the changes are probably necessary and some of them are also pretty dramatic. He also noted a few errors in some of the editing. Overall, he wants to see a fair set of regulations and ordinances that don't discriminate, but also provide an even playing field for everybody. He wanted to address a couple of sections specifically. When looking at the new regulations, Section 020: User's Responsibility, it appears that section is being completely removed. He stated that while there are a lot of regulations and restrictions about how to conduct oneself within the park system, there is no clear statement of user responsibility, as it appears within the new set of ordinances. The ordinance Section 040 is actually changing from prohibiting people from habitually sleeping in the park to prohibiting them from sleeping in the park at all. He stated there are no animal specific ordinances that currently exist, but with Section 110 we are excluding all animals from access to the parks, except dogs, and he feels this is discriminatory. Dale stated that as the regulations pertain specifically to food trucks, he is supportive overall of the permitting process. He thinks it is important for food vendors to have an even set of ordinances and guidelines to operate from. His only real concern with the food truck section is the overall vagueness and general ambiguity within the language. Dale states that there really isn't a clear set of definitions, as a business owner, from which to operate. Dale asks the Council and Mr. Biegler to reevaluate this, provide a more clear set of definitions, and take a look at the language a little more closely before these things are set in stone. He stated that there are two sections in what appears to be the table of contents, Sections 020 and 060, which are listed in the table of contents, but are not actually regulations contained within the greater body of the language.

Rod Pettigrew spoke on Item 41. Pettigrew is on the library board and he stated they have had several discussions about parking. Staff and patrons seem to think there is a problem when they can't park in front of the library. Recently, Pettigrew was part of the Civic Center Resolution Task Force and they sometimes had parking discussions relevant to the Civic Center. His position is that we don't have a parking problem in the City, we have a walking problem and people don't want to walk anymore. He stated one of the positives of walking downtown is walking past store fronts and this is advertising for those shop owners. Pettigrew said we do need to provide parking for the disabled and the elderly. He stated that providing parking will not help the store owners compete with the internet. He feels that if the

Council hires a consultant, the consultant will tell them what they want to hear. Pettigrew asked that the Council make sure they have the money before hiring a firm to move forward with it.

Kent Hagg spoke on Item 44. Hagg is asking the Council to grant a variance for installation of curb and gutter, water and sewer, and the street light conduit on about a 700 foot stretch of Sammis Trail. He stated that there are two inhabitants on the whole stretch of road. The Meadows Apartment Complex is being asked as part of their TIF to expand these particular public improvements down to the City's southern end. He stated they are agreeing, as a point of compromise, to pave the road and also place a sidewalk on the north side of Sammis Trail. He feels the installation of curb and gutter is not only expensive, but it is the wrong thing to do there because the grassy, vegetated swells are the most effective way for filtration and proper delivery of storm water run-off. He stated that curb and gutter is not a wise use of dollars and neither is putting in water and sewer at this time. He stated they will put these services in and cap them on both ends to let it decay. Hagg said that there are no utilities coming off of Sammis Trail to the north at all, nor will there be, because Moon Meadows Drive provides all water, sewer and storm water drainage from the north side of their property. The EPA's recommended way to handle storm water run-off off of roads, is grassy swells when and where possible. He states the ditches are the best way to convey storm water and filtrate it. The water, sewer, curb and gutter are going to sit there and decrease in quality simply with age. He likes the idea of dust mitigation and feels it is very good for our environment. He did not anticipate the \$350,000-\$375,000 worth of improvements that bringing Sammis Trail to full improvements would be at the beginning of this project. He said they voluntarily annexed and extended the city's southern border. Bottom line is it is a very rural and very agricultural setting. No services are going to be needed off the south side of that until that develops someday. The drainage itself is not increased along Sammis Trail from their development. All drainage is designed to go to the north off the developed property. He feels, right now, that the added cost to do the wrong thing is not common sense. He realizes it is the primary aspect set forth in the ordinance, but it is also provided that other options exist for storm water quality.

Rex Hagg spoke on Item 44. Hagg stated when you look at what is going to be presented to the engineers; the first question you have got to ask yourself is why are we doing it all at this time? There are two residences that use that entire road. He stated there will be pavement and sewer pipe out in the middle of a field that is going nowhere. He asked that the Council look at it from a common sense standpoint. All of the drainage has been done through Moon Meadows. He said nobody uses that very end tip of the City, yet we are going to spend resources to do this because the ordinance says to do this. When that development is approved for that parcel, it becomes the City's road and then they have a piece of pavement out in the middle of nowhere. He doesn't know of any pavement in the world that survives when it is sitting out there existing by itself in the middle of the field. It will cost taxpayers more in the end. He stated he would rather do it right when it is fully developed and pay their share. It will then be a road that goes somewhere instead of nowhere right now;

Michael Stetson, of KTM Design, spoke on Item 44. Stetson presented a location map and stated there will be no proposed approaches or accesses off of Sammis Trail. He stated that they are requesting not to install curb and gutter, water, sewer and street light conduit. There are currently vegetative ditches on Sammis Trail now. Stetson discussed water quality benefits for vegetative ditches. The water and sewer on Sammis Trail would be the section directly below the apartments about 700 feet long and they wouldn't connect to any other mains currently, so they would be dry mains and would start some of the deterioration without providing any benefit. The water and sewer is not needed for Moon Meadows and it wouldn't currently serve any existing benefit.

Casey Petersen spoke on Item 44. Peterson stated that he lives just east of this property and stated there is quite a history in that whole area about development. His concern on this item is the drainage out there. He assumes and would like to hear that the grading will raise the level on Sammis Trail because there is a low spot right where the development is going to be that always has water in it. It is somewhat of a hazard when it snows and it blows and it becomes a pool right on the road. If the city doesn't have

plans to change that it is going to be a problem. He is concerned that there will be effects from piece meal. He presented a picture showing the northeast corner where mud flows over the sidewalk there even though they have a large ditch. He is concerned that the property be developed so that these things don't happen. Looking from that corner back, you can see their berm, where they moved some dirt, and the property itself is very high opposite that. He stated unless that gets smoothed out there will be water running both north and south. He pointed out that some planned unit developments somehow have allowed a storage unit across the road and some other things on this historic, scenic byway that to him don't fit. He urges Council to be careful about any future projects and have a concern about the drainage, dust and traffic in that area as they go forward.

Ordinances

Ordinance 6113 (No. PW022817-10) An Ordinance to Amend Park Use Regulations by Amending Chapter 12.24 of the Rapid City Municipal Code. (Continued from the March 20, 2017 City Council Meeting.) Motion was made by Drew, second by Laurenti that the title be read the second time. In response to questions from Salamun, Biegler stated that e-collars are not a radio controlled vehicle for purposes of this ordinance, so they are not considered a part of this ordinance amendment. Biegler clarified that the only place where there are currently no dogs allowed signs are at several of the soccer fields. There are signs on the fence saying that there are no dogs allowed on the fields, but that is not enforceable because we don't have it in ordinance that dogs are not permitted in areas that have a sign. The areas that the Parks have in mind for no dogs allowed at all would be athletic fields and the children's play areas and those are the areas that would be labeled no dogs allowed. He clarified that the actual area where the play equipment sits is where the dogs are not allowed, the dogs can be in the park. He stated the section in the ordinance that covers food trucks also covers any type of vending. Some of the issues that Dale brought up are issues that will be covered in the permitting process, which will be gathering the information from the prospective vendors and then laying out where those areas for permissible vending would be allowed. There will be a number of parking lots which will be available for the food trucks to locate and the other vending areas are those which are parts of the athletic fields that have concession stands. Salamun clarified that since that last reading; Biegler has worked with the radio controlled vehicle community to work that section out and changed the park hours to begin at 5 a.m. year round instead of seasonal. The one area that Biegler feels needs to be addressed is the two areas, user's responsibility and electricity use in the parks, which were omitted in this ordinance and were correctly pointed out by Dale. The current ordinance limits the use of electricity to the preparation of food or the use by City employees in the work day. In response to another question from Salamun, Biegler stated the reason why this ordinance is being amended is to cover those things that are going on in the parks that are currently not enforceable. This ordinance will allow park staff and police staff to talk to people who are essentially in violation of these regulations to let them know that there are regulations. This is more of an informational document that is going to allow us to regulate the use of the parks and the safety of the parks to everyone who uses them. In response to questions from Wright, Biegler stated that he is ready to enforce the ordinance and he explained that service dogs for the handicapped are not included in no dogs allowed and that is part of our City ordinance. Biegler clarified that he thinks there is a difference between napping and sleeping in the parks. Sleeping in the parks is subjective and is something that will be dealt with on a case by case basis. In response to a question from Laurenti, Biegler stated that in meeting with some people in the radio controlled vehicle community; he put across the parks concerns that the remote control model use not be a detriment or danger to people in the park or park property. The ordinance revisions that we see now are limiting the size, speed, and types of remote control vehicles so that they are park friendly. The ordinance includes language about not operating these vehicles within 50 feet of anyone else in the park. In response to another question from Laurenti, Biegler stated this ordinance is an opportunity for the parks to define which of the remote controlled vehicles are appropriate and those areas where they can be used. Laurenti stated that citizens need to use logic and common sense and realize it is very difficult to identify and put every scenario in the ordinance. He stated this is a guideline and we can make changes as necessary as we move along. In response to a question from Doyle, Biegler stated that if it is possible, he would like Council to approve this ordinance with the addition of those two omitted sections. In response to another question from

Doyle, Biegler stated that all sorts of animals were talked about and considered and the consensus was that dogs are the universally accepted animals that you see out in parks and in public. He said they felt it was most appropriate to just limit it to dogs. In response to a question from Inman, Doyle stated that the City does not have jurisdiction over the schools for the therapy/service dog work that Inman does with children at the elementary schools. In response to a question from Inman, Biegler stated that they would still prefer that dogs are not in the playground areas; however the dogs could be in the park areas as long as they are on a leash and in control of their owner. Doyle confirmed that people can get special permission from Biegler on these unusual circumstances. Hoar stated that she has been harassed by the radio control cars when running with her dog. Doyle suggested that Hoar carry a cell phone and stated that would be a very appropriate time to call dispatch to send someone over. In response to a question from Jensen, Biegler stated that the five off leash areas do get a lot of use and they can be kind of close to road ways, but those are areas where if people feel comfortable enough with their dogs off leash that is where they go. He stated it would be nice to have a fenced in off leash area, in fact there was one proposed during this last round of Vision Fund proposals, which was not funded. The parks would like to do a fence someday, but they do not have the funding for it today. Attorney Nyberg stated that the omitted sections are not repealed by this ordinance so they would stay the same if Council passed the revised ordinance as it is. In response to a question from Nordstrom, Biegler stated that if voluntary compliance is not had then there is ability to have the police respond. In response to another question from Nordstrom, Biegler stated the public citizen can either approach the person in violation of the regulations themselves or they can call the Parks and Recreation Department to have their personnel step in and talk to the violators. Biegler stated they have no ability to write tickets in the Parks Department, so park personnel would talk to the individual first and if no resolution could be made then law enforcement would step in. Drew addressed the people that want a small dog park to approach that when Vision Funds come up again and she encouraged them to join their efforts to create the small dog park. Upon vote being taken the following voted AYE: Nordstrom, Drew, Salamun, Doyle, Estes, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed an Ordinance 6113 was declared duly passed upon its second reading.

Community Planning & Development Services Department Items

Mayor read in item (No. 17PL022) A request by KTM Design Solutions, Inc. for Boomshockalocka, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 12 of Block 1 of Dyess Subdivision, generally described as being located north of Seger Drive and Dyess Avenue intersection. Motion was made by Estes, second by Wright to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval showing the dedication of 50 feet of right-of-way located east of the center line of the section line highway and the construction of a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit and a second water main or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Industrial Road shall be submitted for review showing the street located within a minimum 60 foot wide right-of-way with 10 additional feet the first 200 feet as it extends east from Dyess Avenue and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 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 as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code and in compliance with the Box Elder Drainage Basin Plan shall be submitted for review and approval for the proposed subdivision improvements. Any changes proposed that do not follow the basin plan will require a drainage basin plan amendment. On-site and/or off-site drainage improvements as needed for the proposed development shall be provided. In addition, the drainage plan shall address the phasing for the project with drainage improvements being provided for each phase while considering the overall drainage plan for the development. Drainage easements shall also be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a geotechnical report including an analysis of soil corrosivity and pavement design for all proposed subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Development Engineering Plan application, a master plan for the unplatted balance shall be submitted for review and approval; 8. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 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, an alternate street name for Industrial Road shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall show the approved street name; 12. Prior to submittal of a Final Plat application, the plat document shall show the dedication of all existing and proposed utility and/or drainage easements. In addition, the plat document shall show a non-access easement along Dyess Avenue; 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.

Mayor read in item (No. 17PL023) A request by KTM Design Solutions, LLC for Stoneridge LLC for a Preliminary Subdivision Plan for proposed Lot 1 of Stoneridge Subdivision, generally described as being located east of the intersection of Parkview Drive and 5th Street. Motion was made by Salamun, second by Roberts to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the redline drawing comments shall be addressed. In addition, the redline drawing comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans showing a second water main along Fifth Street shall be submitted for review and approval or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, the plat document shall show the dedication of one additional foot of right-of-way for Parkview Drive the first 200 feet as it extends north from Fifth Street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, 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; 5. 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; 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria

Manual and the Rapid City Municipal Code shall be submitted for review and approval as necessary; 7. Prior to approval of the Development Engineering Plan application, submitted 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; 8. 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; 9. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 10. Prior to submittal of a Final Plat application, the subdivision name shall be changed to Stoneridge Subdivision #2; 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Legal & Finance Committee Items

Roberts read in item (No. LF041217-05) Authorize Staff to Issue Request for Proposals for Downtown Parking Study/Strategic Plan. The Mayor stated that the last parking study that was paid for may have occurred in the 1990's. The Rapid City Police department was tasked with coming up with a parking plan in 2007 and is essentially a collection of opinions from the law enforcement agency how parking should be managed. The Mayor stated that this particular parking study is to gauge our parking capacity in the downtown area, as it relates to our future development. An example would be the future development of 6th and St. Joseph Street. The Mayor stated that the Council is at the beginning of a process, whereby the parking study is the first phase. When the study is complete, Council will request qualifications from developers. A steering committee will be created to select developers and development ideas and then Council will proceed with the process from there. The Mayor stated that if we have no parking study, as to capacity and in relation to our downtown master plan, that will leave it upon the developer to guess and the Mayor is afraid that will prompt this body of elected officials to engineer their own parking solution, which the Mayor thinks will take away from the overall project. This parking study is to gauge the overall management of our parking system. It will be revenue analysis, it will touch on best practices and it will give us what we need to move forward. He stated in the current parking management, our revenue is created from violations and that is absolutely backwards from the way it should be. The revenue should come from parking in premier parking spaces for a fee for that service. The Mayor stated that the cost for the parking study will come from the parking lot and area fund, where all that money is made by issuing parking tickets. That fund is self-supportive and money from that fund will not be used to fix any streets or anything else, it is to maintain the parking system. The Mayor doesn't believe that anyone would be opposed to privatizing whatever parking management would be appropriate. Motion was made by Wright, second by Nordstrom to approve. In response to a question from Salamun, Sumption stated that the City of Rapid City manages the parking system with three different departments. Public Works takes care of the maintenance and any additional building needs, the Police department oversees the enforcement part of it and the Finance Office oversees the leasing of the spots in the parking ramp and in our city owned lots. Sumption stated that in her opinion, this has never really had that full direction because it is under three departments. In response to another question from Salamun, the Mayor stated that he thinks it is possible that we have the talent, but we don't have the available time and resources available to conduct a proper study to come to the determination of what the best practices are in municipal parking management and enforcement. He feels that this city is primarily a victim of its own engineering throughout the past decades. Salamun stated that one of the reasons that this is brought on is that the Council needs to know what the parking requirements will be in the future if our downtown expands and grows. Laurenti stated that this study doesn't deal with on-street parking, but is about new, off-street parking. In Laurenti's opinion, this is not something that the City government belongs in, especially in light of this being a part of some larger plan of the parking lot that

we have on St. Joseph and 5th St. The City has had this as a non-taxing entity for approximately 41 years. The City has proper zoning for that lot today. He stated this study, if anything, is going to come back saying we definitely need to have a parking structure at that lot. So, the City again, has decided that we know better about parking than the private enterprise does and we are going to make sure that this study comes back with a recommendation that lot has a parking structure, whether there is a need for it or not. He feels that it is crazy that the city government still wants to interject with this lot, when it hasn't been a taxing entity since the 1970's. He said city government does not belong in parking. He stated that instead of doing the study, the City should go down the road of getting out of the parking that we are in, so that it could be privatized and create jobs and people will pay taxes, because the City doesn't. Laurenti believes that we need to pull back from this and we need to get that lot out there for sale. Drew stated that she did serve on the downtown parking committee and is afraid that if we do another study again that it will just be swept under the carpet. The committee changed the hours to 3 hours of parking in 2015 as a business driven decision and that is what this parking situation downtown is all about. She states when she was on the parking committee she looked into it and it seemed like it was a revenue neutral situation, as they really weren't making any money off of the tickets because the price of enforcement kind of leveled it out. The businesses needed people to move, so that is why the 3 hour parking was enforced. Nordstrom states that he is concerned about the potential costs and he acknowledges the 2007 study is about 10 years old. However, looking at the RFP proposal and the points that are in the scope of the project, he thinks most of their concerns are addressed within those scopes. Nordstrom states he is interested in the parking that could potentially take place all the way over to the School of Mines and potential for parking over on the west side of Mt. Rushmore Road. Nordstrom stated that would be included in this study, the way that he is reading the scope of the project. Nordstrom can fully support the need for taking on this project, but he is concerned about the cost of it. Wright wanted to bring a little historical prospective in this because of the question as to why the City is involved. All of the on-street parking is on city property and the central business district is a zoning ordinance that does not require off-street parking. So the institution was established probably 70 years ago that the city was going to be handling the parking. Nordstrom thinks it is important to do this study because we need to address how we are going to manage this for the future, what decisions we can make to help the downtown grow and by historic precedence, the City is involved and has to be involved. Nordstrom asked the Council to support this motion. Roberts stated that piece of property is going to be challenging no matter what because with our downtown zoning someone could build something without putting parking in and we could lose a lot of spots as a city. On the other side of that, if we dictate what private business is going to do, we might dictate something interested in coming on that lot completely out. Roberts is not sure the study is the way to go as he thinks there is a lot of conversation that could be had before then. Roberts agrees with Laurenti that the parking lots and parking structures that the City has should be in private hands. Roberts feels that there is a demand for privatized parking out there. He stated the reason the City doesn't think there is a demand now is because the City keeps the price so low that anybody trying to come in on the private sector can't compete. He said if the private sector is going to be involved, they have to make a profit. Roberts is not sure that the parking study is the right step to start. Modrick discussed the walking study that was done. She feels that the City is making the community more desirable for walking. She stated that parking structures are a thing of the present and we need to build our sales tax by helping people be able to shop, dine and sleep downtown. Modrick would like to see this move forward. Doyle stated if well intentioned task forces and committees could have solved this, they would have. She stated this study is not complaint driven. The study is talking about growth, expansion and future planning for Rapid City. Estes stated that his recollection as to why they were doing this study is when looking at the future of 6th and St. Joseph the Council wanted to go out for requests for qualifications and they didn't want to go in there with pre-conceived ideas as to what has to happen. He thinks they all want to get that land into private hands, so that it is paying property taxes. Estes stated that to get the best qualified request for proposal and request for qualification is to have the best information available. Estes feels that we need a baseline to provide to these people that are going to look at the project. Mayor Allender explained that the RFP doesn't cost the city anything; Council will get to review the proposals when they are here, Council will get to go through the consultant interview process and the Council is out nothing by giving out an RFP. The downtown development plan

calls for housing and expanding to the east. He stated this study is not what was done in 2007, which was an analysis of the existing conditions and some recommendations, which is far different from understanding best practices across the country. Mayor Allender views this as a significant first step in developing 6th and St. Joseph St. He feels that we are helping to create an experience in our downtown. He stated not doing this study will re-create the cultural parking problem that we have created by ourselves over the past decades. Motion to approve carried 7-2 with Laurenti and Roberts voting no.

Public Works Committee Items

Doyle read in item (No. PW041117-10) Sustainability Committee Annual Update. The Sustainability Committee presented an update to the Council on the status of current projects, accomplishments and the future direction of the Committee. Motion was made by Salamun, second by Doyle to acknowledge the presentation.

Doyle read in item (No. PW041117-11) Update on the revised FEMA Flood Insurance Rate Map (FIRM) Special Flood Hazard Area (SFHA, 100 year Floodplain) as a result of the recently completed project - Detailed Analysis of Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas (SFHA), Project Number 15-2244, CIP 51057. Jon Lefers, consultant with AE2S, presented an update on the FEMA Floodplain Remapping for the Haines Avenue area, the South Robbinsdale area and the South Canyon area. He stated that Rapid City had well over 200 homes and business mapped in the FEMA 100-year floodplain for these project areas. This costs real money to the community. Whenever a home or business is in the 100-year floodplain, and they have a mortgage, FEMA requires that they have floodplain insurance. He also stated homes in that 100-year floodplain tend to start decreasing in value because every year you are paying flood insurance and that is an added cost to whoever would buy that home. Lefer stated that whenever they are looking at floodplains, they want to make sure they are accurate. There were reasons to believe that the mapping was inaccurate in these three project areas. The new floodplain mapping is based on updated topographic data and revised hydrologic and hydraulic analyses. As a result of the new mapping, several structures and/or properties were removed from the 100-year Floodplain in these project areas. FEMA requires public notices to be filed when changes are made to floodplains. Letters were sent out to homeowners and the notices were published in the paper. Lefer stated that homeowners shouldn't assume that their insurance companies or mortgage lenders are automatically checking into these updates all of the time. He suggested that homeowners notify their lenders and insurance agents of the updated changes. Lefers stated Mary Bosworth, in Engineering Services, is also a great resource for homeowners if they have any questions. Motion was made by Doyle, second by Salamun to acknowledge the update. Doyle stated that some of the expenses incurred by homeowners can be retroactively paid back, so she advised homeowners to check with their mortgage companies. Wright stated that this was a great accomplishment and is what your City government should be doing for you. Motion carried 9-0.

Doyle read in item (No. PW041117-12) Appeal of Denied Exception Request from KTM Design Solutions on Behalf of Hagg Brothers, LLC to Waive Curb, Gutter, Water and Sewer in Sammis Trail, and to allow for a 26' wide paved surface with grass ditches and sidewalks in a 70' wide right-of-way (City File 17EX064). Motion was made by Doyle, second by Laurenti to deny the appeal. In response to a question from Laurenti, Hagg stated that the original appeal was withdrawn because the actual site of the proposed platted lot shifted to the west approximately 110-120 feet, so the original appeal was not germane anymore to that particular platted site. Laurenti reminded Council that the staff recommendations on this particular issue are extensive and are well connected to neighboring property and other development around it. He believes that as a Council, they need to stand behind staff and do the right thing. He feels that we need to start holding the line on these developments so that we don't leave it up to future property owners to have to foot those costs. In response to questions from Drew, Hagg said that curb and gutter is a big culprit of storm water run-off, ground pollution, absorption and propensity for additional velocity for flooding. He stated Laurenti is correct in that the comments are extensive on this plat. Hagg stated that they are going to make sure that there is proper elevation and proper grade on that particular segment of Sammis Trail and they are agreeing to pave it for dust

mitigation. Roberts stated that the Council needs to be fair across the board on projects. Modrick stated that when we are building we have to be careful because we are adding additional costs, but we also have to be concerned with those in the surrounding areas that are hit by the water swells. In response to a question from Modrick, Hagg said that according to the owner now, there is no desire to develop the area to the south. The maintenance of the vegetative swells that are currently there will be the same and continue to be the same and maybe even better with a property owner next to it. A substitute motion was made by Estes, second by Roberts to deny the appeal with the exception of water and electrical (street light) conduit. Estes stated that sewer, curb and gutter are very important components at the time of asphaltting and he feels that staff wouldn't make these requirements if they didn't feel that the area wasn't going to develop. In response to a question from Roberts, Stetson stated that a lot of the drainage for the apartments drains towards Moon Meadows Drive. A very small part of drainage exists that currently is in the Sammis Trail right-of-way and there is some existing to the West that would drain. He doesn't feel that there will be any issues due to the way it is being graded and developed and he stated there will probably have to be a culvert under the road for that low spot that was mentioned earlier. Motion carried 8-1, with Drew voting no, to deny the appeal with the exception of water and street light conduit.

Mayor's Items

Mayor read in item (No. CC041717-04.1) Confirm the reappointments of Sandy Diegel and Lloyd LaCroix to the Community Investment Committee. Motion was made by Wright, second by Doyle to confirm. Motion carried 9-0.

PUBLIC HEARING ITEMS – Items 46 – 55

Chuck Henrie, spoke on items 47-53. Henrie stated that alcohol licenses are enabling people to be intoxicated. He asked the Council to please deny these licenses.

CONSENT PUBLIC HEARING ITEMS – Item 46 – 53

Motion was made by Laurenti, second by Roberts to approve items 46-53. Motion carried 9-0.

Public Works Committee Items

46. No. PW041117-14 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and Hay Land, LLC for Exchange of Property (Seeger Drive Reconstruction).

Alcohol Licenses

47. Rapid City Summer Nights for a SPECIAL EVENT Malt Beverage and Wine License for Events scheduled for June 1, 2017; June 8, 2017; June 15, 2017; June 22, 2017; June 29, 2017; July 6, 2017; July 13, 2017; July 20, 2017; July 27, 2017; August 3, 2017; August 10, 2017; August 17, 2017; August 24, 2017 and August 31, 2017 at 7th and Saint Joseph Street
48. Arrowhead Country Club for a SPECIAL EVENT Malt Beverage and Wine License for an Event Scheduled for April 27, 2017, at Freed's Fine Furnishings, 3645 Sturgis Road
49. Big D Oil DBA Big D Oil #54, 3851 Eglin Street for a Package (off-sale) Liquor License TRANSFER from LaGrand Station LLC, DBA LaGrand Station, 3851 Eglin Street
50. Evergreen Restaurant LLC 4211 DBA Outback Steakhouse, 665 E Disk Drive for a Retail (on-sale) Liquor License TRANSFER from Outback Steakhouse of Florida LLC DBA Outback Steakhouse, 665 E Disk Drive
51. Hegg Companies DBA Hilton Garden Inn Rapid City, 815 E Mall Drive for a Retail (on-sale) Liquor License TRANSFER from Calm Waters LLC DBA Great American Grill Hilton Garden Inn, 815 E Mall Drive
52. Minimax Inc. DBA Minimax Inc. DBA Aura, 4040 Cheyenne Blvd Suite B for a Retail (on-off sale) Malt Beverage & SD Farm Wine License
53. LaCosta LLC DBA LaCosta Mexican Restaurant, 603 Omaha Street for a Retail (on-off sale) Malt Beverage License and a Retail (on-off sale) Wine License

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 54 – 55

Mayor read it item (No. 17RZ011) Second Reading, Ordinance 6169, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by AE2S for Black Hills Federal Credit Union for a Rezoning from General Agricultural District to Light Industrial District for property generally described as being located at 2700 N. Plaza Drive. Motion was made by Laurenti, second by Wright to approve in conjunction with Planned Development Designation File 17PD009 and that the title be read the second time. Upon vote being taken the following voted AYE: Nordstrom, Drew, Doyle, Estes, Laurenti, Wright, Modrick and Roberts. NO: None. Salamun abstaining: whereupon the Mayor declared the motion passed and Ordinance 6169 was declared duly passed upon its second reading.

Mayor read in item (No. 17VR003) A request by KTM Design Solutions, Inc. for DKEA, LLC for a Vacation of a Section Line Highway for property generally described as being located west of the current terminus of Poppy Trail. Motion was made by Modrick, second by Drew and carried to approve with the following stipulation: Prior to City Council approval, a revised and signed utility easement shall be submitted to Community Planning and Development Services for recording at the Register of Deed's office.

Resolution 2017-017
Resolution of Vacation of Section Line Right-of-Way

WHEREAS it appears that the Section Line Right-of-way located in that portion of the Section Line Highway right-of-way located in the NE1/4 of the NE1/4 of Section 29 and the SE1/4 of the SE1/4 of Section 20, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the current terminus of Poppy Trail; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described Right-of-way desires said public Section Line 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 Section Line Right-of-way in regard thereto.

Dated this 17th day of April, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

BILLS

The following bills have been audited.

BILLIST - APRIL 17, 2017

P/ROLL PERIOD END 03/31/17, PD 03/31/17

1,603,019.53

P/ROLL PERIOD END 04/01/17, PD 04/07/17	1,031,265.06
CDEV P/ROLL PERIOD END 04/01/17, PD 04/07/17	3,275.58
PIONEER BANK & TRUST, 03/31/17 P/ROLL TAXES, PD 03/31/17	418,658.00
PIONEER BANK & TRUST, 04/01/17 P/ROLL TAXES, PD 04/07/17	256,549.73
CDEV PIONEER BANK & TRUST, 04/01/17 P/ROLL TAXES, PD 04/07/17	872.06
WELLMARK INC, HEALTH CLAIMS THROUGH 03/24/17, PD 03/30/17	178,069.79
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/03/17, PD 04/04/17	4,279.28
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/10/17, PD 04/11/17	8,737.21
SD RETIREMENT SYSTEM, SPECIAL PAY PLAN-VOSS, PD 04/07/17	45.00
SOUTH DAKOTA RETIREMENT SYSTEM, MAR17 RETIREMENT, PD 04/06/17	468,930.90
1ST NATIONAL BANK IN SIOUX FALLS, SRF CLEAN WATER #6, PD 04/06/17	84,583.36
1ST NATIONAL BANK IN SIOUX FALLS, SRF DRINKING WATER #2, PD 04/06/17	105,933.32
BERKLEY ASSIGNED RISK SERVICES, MAR17 CLAIMS, PD 04/05/17	46,601.62
BERKLEY ASSIGNED RISK SERVICES, CLAIM, PD 04/06/17	4,991.36
BLACK HILLS ENERGY, ELECTRICITY, PD 04/12/17	19,457.71
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 04/12/17	29,189.11
COMPUTER BILL LIST	3,226,074.87
CDEV COMPUTER BILL LIST	810.06
SUBTOTAL	7,491,343.55
RSVP, P/ROLL PERIOD END 04/01/17, PD 04/07/17	3,330.59
RSVP, PIONEER BANK & TRUST, 04/01/17 P/ROLL TAXES, PD 04/07/17	983.39
RSVP, COMPUTER BILL LIST	64.23
TOTAL	7,495,721.76

Sumption presented the bill list total \$7,495,721.76. Motion was made by Laurenti, second by Drew and carried to authorize (No. CC041717-01) 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 Salamun, second by Laurenti and carried to adjourn the meeting at 9:45 p.m.

Dated this 17th day of April, 2017.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)