

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 1, 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, May 1, 2017 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Jason Salamun, Charity Doyle, Amanda Scott, 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: Darla Drew and Brad Estes

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Interim Public Works Director Dale Tech, Interim Fire Chief Rod Seals, Parks & Recreation Director Jeffrey Biegler and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Motion was made by Scott, second by Modrick and carried to move Executive Session and Staff Direction to follow the bill list and adopt the agenda.

AWARDS AND RECOGNITIONS

Mayor Allender and Interim Public Works Director, Dale Tech, presented Jeanne Nicholson a 25-year Service Award. They thanked her for her dedication and service to the City of Rapid City.

Mayor Allender and Interim Fire Chief Rod Seals recognized International Firefighter's Day. They thanked all the service people who put their lives on the line daily and for keeping the city safe.

Carla Garner was presented The Rapid City Early Childhood Educator of the Year. She was thanked for her years of service in education and for always caring about her students.

NON-PUBLIC HEARING ITEMS

CONSENT ITEMS – Items 4 – 39

The following items were removed from the Consent Items:

16. PW042517-11 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 between the City of Rapid City and Banner Associates, Inc. for Water Reclamation Facility (WRF) Potable Water Improvements, Project No. 15-2266 / CIP No. 51079 in the amount of \$4,000.00.
22. PW042517-18 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 with Burns & McDonnell for Landfill Gas Collection Expansion –Cells 13, 14, & 17, Project No. 16-2370.
29. PW042517-23 – Uphold Staff's Denial of an Exception Request from KTM Design Solutions for Buffalo East, LLC to Waive the Requirements for installation and alignment of water and sanitary sewer mains and services in accordance with Rapid City Municipal Ordinance 13.04.270 and the Infrastructure Design Criteria Manual Figure 3-6.
33. LF042617-03 – Amend the Request for Reallocation of the FY 2016 & 2017 Community Development Block Grant (CDBG) Contingency Funds Recommendations by awarding \$75,000 to Youth and Family Services and \$75,000 to Freeland Ranch Community, Inc. out of the approximately \$249,000 allocated to demolition and land acquisition for small affordable housing and recommend approval of the funding reallocation as amended.

Motion was made by Laurenti, second by Doyle and carried to approve Items 4-39 as they appear on the Consent Items with the exception of Items 16, 22, 29 and 33.

Approve Minutes

4. Approve Minutes for the April 17, 2017 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (June 5, 2017)

5. No. 17VR001 - A request by Renner Associates, LLC for Presbyterian Retirement Village of Rapid City, Inc. for a Vacation of Right of Way for property generally described as being located at 225 Texas Street.

Public Works Committee Consent Items

6. PW042517-01 – Approve Utility Support Funding of \$2,400,000.00 in 2018 and \$1,100,000.00 in 2019 for the Jolly Lane Project – Utility Support Fund and SAB 28 Fund Oversight Committee.
7. PW042517-02 – Authorize Staff to Advertise for Bids for Limestone Gravel for Various City Departments. Estimated cost \$87,000.00.
8. PW042517-03 – Authorize Staff to Advertise for Bids for Hot Mixed Asphaltic Concrete. Estimated Cost: \$161,000.00.
9. PW042517-04 – Authorize Staff to Advertise for Bids for Ready Mixed Concrete. Estimated Cost: \$63,000.00.
10. PW042517-05 – Authorize Staff to Advertise for Bids for Utility Cut Portland Concrete Replacement. Estimated Cost: \$75,000.00.
11. PW042517-06 – Authorize Staff to Advertise for Bids for East Idaho Street, East Nevada Street, Ivy Avenue – Street and Utility Reconstruction Project and Meade/Hawthorne Drainage Element 221 Improvements, Project No. 15-2253 / CIP No. 50421.3.1B. Estimated Cost: \$4,937,000.00.
12. PW042517-07 – Authorize Staff to Advertise for Bids for Big Sky Subdivision Street Rehabilitation, Project No. 17-2380 / CIP No. 51160. Estimated Cost: \$1,100,000.00.
13. PW042517-08 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – Terricita Drive Area, Project No. 17-2358 / CIP No. 50549. Estimated Cost: \$275,000.00.
14. PW042517-09 – Authorize Staff to Advertise for Bids for Elk Vale Road & Minnesota Street Traffic Signal Improvements, Project No. 16-2352 / CIP No. 51047. Estimated Cost: \$440,000.00.
15. PW042517-10 – Authorize Mayor and Finance Officer to Sign a Drainage Easement with Office of School and Public Lands for property located east of the intersection of East Signal Drive and Elm Avenue.
17. PW042517-12 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Dakota Pump, Inc. for Morris Lane PRV Supervisory Control and Data Acquisition (SCADA) Integration; Project No. 14-2195 / CIP No. 50964.C in the amount of \$17,087.00.
18. PW042517-14 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Highway Improvement Inc. for Asphalt Surface Crack Sealing, Project No. 17-2383, in the amount of \$89,500.00.
19. PW042517-15 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to the Agreement between the City of Rapid City and KTM Design Solutions, Inc. for Rapid Valley Sanitary Sewer Bypass, Project No. 13-2076 / CIP No. 50911, for an increase of \$14,650.00 and amend the project completion date.
20. PW042517-16 – Authorize Mayor and Finance Officer to Sign a Construction Professional Services agreement between City of Rapid City and FMG, Inc. for Anamosa Street Reconstruction – Phase 3 Midway Street to Milwaukee Street, Project No. 07-1473 / CIP No. 50559, in the amount of \$29,966.00.
21. PW042517-17 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. for Pavement Rehabilitation Project – East Saint Joseph Street Overlay, Project No. 17-2363 / CIP No. 51161, in the amount of \$31,878.50.

- 23. PW042517-19 – Approve Request from Steve Wynia for Wyngard Investments, LLC for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 Along Centre Street for the property located at 1300 Centre Street.
- 24. PW042517-20 – Authorize Lowering the Percentage of Work that the General Contractor Must Perform from 50% to 35% for East Idaho Street, East Nevada Street, Ivy Avenue – Street and Utility Reconstruction and Meade/Hawthorne Drainage Element 221 Improvements, Project 15-2253 / CIP No. 50421.3-1B.
- 25. PW042517-21 – Approve Extension of Contract Bid to Thatcher Company of Montana, Inc. for Odor Control Chemical.
- 26. PW042517-22 – Approve proposed Lease Agreement Between the City of Rapid City and Black Hills Lacrosse for field space at the Star of the West Sports Complex.
- 27. 17TP005 – Acknowledge the 2014-2016 Socio-Economic Report.
- 28. PW042517-13 – Authorize Mayor and Finance Officer to Sign a License Agreement with MFP Mid-America Shopping Centers LLC for access to property at 2001 W Main Street for the purpose of tree removal.

Legal & Finance Committee Consent Items

- 30. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Robert “Bud” Burgess, Lawrence Tesch
- 31. LF042617-01 – Acknowledge March 2017 General Fund Cash Balance Report
- 32. LF042617-02 – Approve Resolution No. 2017-032 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2017-032

RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

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

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

From: Parks and Rec - 607

For sale:

Succor Rod, 310 pieces, each piece 23’8” length

Wood Posts, 80 pieces, each piece 6’6” length

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

Dated this 1st day of May, 2017.

CITY OF RAPID CITY

s/ Steve Allender

Mayor

ATTEST:

s/ Pauline Sumption

Finance Officer

(SEAL)

- 34. LF042617-06 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and Wellspring, Inc. d/b/a Wellfully for the Use of City Vision Funds to Construct an Adolescent Care Center
- 35. LF042617-07 – Approve Resolution No. 2017-033 a Resolution Authorizing the Finance Officer to Reimburse Pennington County Out of the City’s Vision Account for the Cost of a Stall Barn at the Central States Fair Campus Pursuant to the Recommendation of the Vision Citizen’s Committee

Resolution No. 2017-33

RESOLUTION AUTHORIZING THE FINANCE OFFICER TO REIMBURSE PENNINGTON COUNTY OUT OF THE CITY’S VISION ACCOUNT FOR THE COST OF A STALL BARN AT THE CENTRAL STATES FAIR CAMPUS PURSUANT TO THE RECOMMENDATION OF THE VISION CITIZEN’S COMMITTEE.

WHEREAS, the City of Rapid City (the “City”) solicited potential community projects to receive funding from the City’s Vision Account; and

WHEREAS, the Central States Fair (the “CSF”) submitted a request for \$550,000 to fund a stall barn adjacent to the James Kjerstad Events Center at the Central State’s Fairground; and

WHEREAS, the City formed a citizen committee to review and make funding recommendations regarding the proposed community projects which sought money from the Vision Account; and

WHEREAS, the citizen committee recommended that CSF’s proposed project receive the \$550,000 which was requested; and

WHEREAS, the City Council reviewed and ratified the citizen committee’s recommendations at its December 5, 2016, meeting; and

WHEREAS, Pennington County (the “County”) owns the fairgrounds and authorized the CSF to proceed with the project at its March 7, 2017, meeting; and

WHEREAS, the County will administer and bid out the project pursuant to state law; and

WHEREAS, the City and County have determined that the most efficient way to complete this project is for the County to pay the contractor for the construction of the project subject to reimbursement by the City from the Vision Account; and

WHEREAS, in order for the County to be reimbursed for this project the City must authorize the Finance Officer to reimburse the County upon completion of the project, or when the amount expended by the County on the project exceeds the City’s share of the overall project cost.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the City Finance Officer is hereby authorized to reimburse Pennington County for the actual cost of constructing a stall barn adjacent to the James Kjerstad Events Center in an amount not to exceed \$550,000.

BE IT FURTHER RESOLVED, that the reimbursement to the County is subject to the following additional conditions:

- 1. The County and CSF will follow all applicable state laws in the bidding, award, and construction of the proposed project.

2. The final constructed project will be substantially similar to the application and all supporting statements and materials provided by the CSF in obtaining approval of its funding request.
3. The County and CSF will provide the City Finance Office with sufficient documentation to demonstrate the total cost of the project, the amounts paid to the contractors on the project, and any other information necessary to confirm that the monies being reimbursed were actually expended on the project for which the City approved funding and that the completed project is substantially the same as the project identified in the CSF's funding application.

Dated this 1st day of May, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Bid Award Consent Items

36. No. CC050117-02.1 – Approve award of Total Bid for Meade/Hawthorne DBDP Element 48, Project No. 15-2306 / CIP No. 50758 opened on April 25, 2017 to the lowest responsible bidder Underground Construction, LLC, in the amount of \$321,800.30.
37. No. CC050117-02.2 – Approve award of total Base bid plus Alt 1 and Alt 2 Bid for Jolly Lane Overlay – Pavement Rehabilitation Project, Project No. 17-2359 / CIP No. 50844 opened on April 25, 2017 to the lowest responsible bidder Western Construction, Inc., in the amount of \$235,514.25.
38. No. CC050117-02.3 - Approve award of Total Bid for WRF Potable Water Improvements, Project No. 15-2266 / CIP No. 51079 opened on April 25, 2017 to the lowest responsible bidder R.C.S. Construction, Inc., in the amount of \$739,295.00.
39. No. CC050117-02.4 - Approve award of Total bid of \$149,932 on a new roll off collection truck, opened April 25, 2017, to Eddie's Truck Center/Northern Truck Equipment Corp.

END OF CONSENT ITEMS

Mayor read in item (PW042517-11) Authorize Mayor and Finance Officer to Sign Amendment No. 2 between the City of Rapid City and Banner Associates, Inc. for Water Reclamation Facility (WRF) Potable Water Improvements, Project No. 15-2266 / CIP No. 51079 in the amount of \$4,000.00. Wright said the original bid was rejected and had to be re-bid and doesn't think we should pay the consultant \$4000 more when there were essentially no changes to the project. In response to a question from Scott, Tech said the plans did not change substantially but the plans did change a little from the first bid and staff was asked to re-advertise by rejecting all first bids. Tech said \$4000 was a reasonable cost to repackage the bid. Motion was made by Nordstrom, second by Salamun to approve. Motion carried 7-1 with Wright voting no.

Mayor read in item (PW042517-18) Authorize Mayor and Finance Officer to Sign Amendment No. 1 with Burns & McDonnell for Landfill Gas Collection Expansion –Cells 13, 14, & 17, Project No. 16-2370. Wright said one thing that needs to be included in the development of the landfill gas system is the potential of using a generator that uses the landfill gas as its source of energy. The city is currently flaring the gas, which they shouldn't have to do. They could potentially generate enough electricity with the gas to offset a significant amount, if not all of it, the amount of electricity that we purchase on an annual basis. This is a big deal and we need to stay on top of it. Motion was made by Wright, second by Nordstrom to approve. Motion carried 8-0.

Mayor read in item (PW042517-23) Uphold Staff's Denial of an Exception Request from KTM Design Solutions for Buffalo East, LLC to Waive the Requirements for installation and alignment of water and sanitary sewer mains and services in accordance with Rapid City Municipal Ordinance 13.04.270 and the Infrastructure Design Criteria Manual Figure 3-6. Motion was made by Doyle, second by Salamun and carried to acknowledge applicant's withdrawal.

Mayor read in item (LF042617-03) Amend the Request for Reallocation of the FY 2016 & 2017 Community Development Block Grant (CDBG) Contingency Funds Recommendations by awarding \$75,000 to Youth and Family Services and \$75,000 to Freeland Ranch Community, Inc. out of the approximately \$249,000 allocated to demolition and land acquisition for small affordable housing and recommend approval of the funding reallocation as amended. Salamun wanted to acknowledge the investment committee and the good work they did. Salamun said they did receive a request from YFS for \$300,000, of which they did already receive \$100,000.00 to correct some drainage issues in their alley. Salamun asked the Council to support funding the full \$300,000 if possible. Susan Fidel, CEO of Youth and Family Service, addressed the Council. In response to a question from Salamun, Fidel said they are getting ready to do a building expansion, in the process of doing that, they need to correct some drainage issues first. She said the total cost of the project is \$287,000. In response to a question from Salamun, Fidel said they are ready to go right now if they receive the funding, the project could be done by the end of the calendar year. In response to a question from Laurenti, Fidel said they have raised money to do the building expansion. If they have to use that money to do the drainage in the alley, then they have that much less for the renovation. Modrick said that YFS has already received \$100,000 for the drainage problem and is now requesting \$75,000 more. She said the drainage problem would also be fixed for the neighbors around YFS, which is really important. Scott asked Tech if he was familiar with the alley and he said no. Scott understands it's a public alley way. She said the city passed a public utility drainage fund/fee that all parcels participate in so we can handle different drainage issues. She has a problem allocating more funds out of the CDBG to handle an item that we already have a separate fund for. Fidel talked to the planning department about that and was told they would be a ways down the road before theirs would be fixed. Scott doesn't know if she can support this because of the co-mingling of the funds. In response to a question from Scott, Garcia said they have the 2016 money, which is \$367,104. Garcia said there is \$249,000 for 2017 that is still coming. Scott has an issue reallocating money that they may or may not get. Garcia said they have to make a determination of funding based on estimates upfront because of the HUD deadlines for their applications. The committee set aside \$248,879 for the community development department to do the land acquisition. She wasn't sure if she could find enough properties and get them purchased in that time frame and for that amount of money because each approval has to come back to Council. Scott said she thought funds could be reallocated come Sept-Oct and they aren't spent on the designated projects. Salamun said they have \$248,000 that will be allocated for future projects. He said Garcia does not need the full \$248,000 to acquire properties because of the time constraints. If they have the money there from the federal government why don't they put it to use somewhere else. Garcia said she estimates using \$100,000 of the \$248,000 for land acquisition. He wants Garcia to use the \$100,000 and then reallocate accordingly. Roberts said YFS does a great job. He said there has been a drainage issue there for years. He said he'd like CDBG funds to be spread out and not just used on a few projects. Doyle said they got the letter from YFS and anticipated that going into committee last week but did not anticipate the Freeland Ranch request. She would like to separate the question so they have adequate time to vet each of the issues separately. Mayor asked if anyone had an objection to dividing the items. There were no objections. Motion was made by Laurenti, second by Wright to approve an additional \$75,000. In response to a question from Doyle, Tech said the YFS alley is a public alley. Doyle asked if this alley is at the top of the list for the alley inventory. Tech said there is no alley inventory but they just did an out of the dust program not too long ago. In response to a question from Modrick, Garcia said the way the funds were allocated before Legal & Finance was the committee allocated \$68,000 total to YFS for the roof at the plaza facility. Then at Legal & Finance, the request was to take \$150,000 away from community development leaving \$98,879 for doing the small houses. That would allocate the \$75,000 to YFS out of the 2017 funds, which raises that amount to \$112,251. They already have \$100,000 of 2016 money. They would have a total of \$175,000 for the

alley. Nordstrom wanted to clarify that the alley is located from Maple Street to the center. Fidel said it goes from Maple Street to Milwaukee Street, but they would only do the portion behind their property. Fidel confirmed that the alley is public property. In response to a question from Nordstrom, to fix the alley it will cost \$287,000. Motion passed 7-1 with Scott voting no. Doyle said the Freeland Ranch project was sent through the investment committee and they decided not to allocate any funds, she asked Garcia was it was denied. Garcia said the original request from Freeland Ranch was for \$450,000. There were questions about the tax increment financing district. She said Mr. Hagg said a TIF would be required in order for the project to go on. However, the phase one project could move forward when it was broken down into phase one without the TIF. There was uncertainty where the project could be completed without the TIF so it was initially denied. Doyle recalls the project being centered around RAI going in initially and now it is not. Hagg said that it hasn't been 100% determined yet. He said the premise around Freeland Ranch has been on low income housing. He said it's always been about low income housing not about having a place for RAI. In response to a question from Doyle, Hagg said the \$75,000 would be used for the traffic study for phase one, for engineering, and all other preparations needed to get the TIF District. Doyle stated that he is asking for \$75,000 of CDBG and they are coming forward with a TIF application. She said it's a lot of tax payer money going to this project. And CDBG funds are drying up and they never know what their final allocation is until the very end of the process. She needs something solid that this project is going to happen. To spend the money on studies seems speculative. Modrick said the original CDBG request was to purchase 60-100 acres and cover pre-construction as well as infrastructure and roads. In response to a question from Modrick, Hagg said they have not put in \$450,000 in cash into the project yet. He said they need to have \$75,000 to get phase one done. Hagg said Hagg Brothers owns the land. The plan is to put the land into the non-profit which is controlled by a board of directors separate from the Hagg Brothers. In response to a question from Modrick, Hagg would like to have the bid let within 60 days and ground breaking as fast as possible. In response to a question from Scott, the owners to the south are Bill Gikling and Jim Meyer. In response to a question from Scott, Garcia said the funds requested by Freeland Ranch are 2017 funds. Garcia said it's not guaranteed that they could approve this project later in the year. The city received a sanctioned letter this year because they have spend-down ratio that they have to meet. There has been \$653,000 sitting there because quite a few projects have not moved forward and some housing agencies have folded. In January there is a spend-down ratio, if they are above 1.5% at that time, they can take any of the money that they are over and haven't spent and they would lose it. If that happens two times in a row, they lose their total entitlement. Garcia explained it takes 90-120 days to reallocate money. In response to a question from Scott, two other agencies inquired about the funds but they didn't meet the qualifications. Laurenti said he'd like to see funds retained in the contingency fund to look at other projects. Motion was made by Wright to continue to the May 15, 2017 City Council meeting. Scott asked Garcia if they can afford to wait for two weeks. Garcia said she thought so. Scott did second the motion to continue. Wright would like to see a plan brought to them instead of vetting details during the Council meeting. Substitute motion was made by Modrick, second by Roberts to fund the \$75,000. Wright supports the Freeland Ranch but still wants to see an actual plan because there is some information missing. Doyle supports continuing for two weeks, she has some concerns with the item just being walked on to Legal and Finance last week. In response to a question from Roberts, Hagg said there are multi-plexes and four-plexes; around 70 dwellings. They need the traffic study to move forward. Garcia verified that the Monroe project did not receive CDBG funds because they didn't qualify. Roberts said it's unfortunate that they can't apply for new market tax credits because they don't fall within the right boundaries. This project needs government assistance to get done. Hagg said he is not the developer of the project, the non-profit will own the project. Motion failed 6-2 with Modrick and Roberts voting yes. Motion to continue to the May 15, 2017 City Council meeting passed 8-0.

NON-CONSENT ITEMS – Items 40 – 97

Janelle Finck addressed the Council regarding item 40. She said the property adjoins Waste Connections and they are interested in purchasing the two lots that adjoin the five lots that they already own. In order to expand their storage they need to rezone to light industrial. The company collects refuse. They service 20,000 customers and have 55 employees. The lots were created in 1976 and are

vacant lots that have remained vacant for 40 years. There is significant history and precedent of light industrial in this area. They have contacted the neighbors regarding the two parcels and they are in support of the rezone. She asked for the Council's support on the rezone request.

Ordinances

Ordinance 6168 (No. 17RZ010) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying and Consulting Engineers, Inc for Waste Connections, Inc. for a Rezoning from General Commercial District to Light Industrial District for property located at 2510 E. St. Patrick Street. Motion was made by Roberts, second by Wright that Ordinance 6168 be placed on its first reading and the title was fully and distinctly read to approve in conjunction with Initial Planned Development – File #17PD014. In response to a question from Scott, Finck said there would be some buffering with some screening fence and significant landscaping. In response to a question from Scott, Bob Novak, Vice President of Waste Connections, said they are accommodating some recent growth. They bought some assets of Red River Sanitation a year ago and are accommodating the expansion of that business into their lot without having to move outside of the city limits.

Ordinance 6178 (LF042617-04) An Ordinance to Update Campaign Finance Disclosure Requirements by Amending Chapter 2.32 of the Rapid City Municipal Code. Motion was made by Roberts, second by Scott that Ordinance 6178 be placed on its first reading and the title was fully and distinctly read.

Ordinance 6179 (LF042617-05) An Ordinance to Update References to the Convention and Visitors Bureau Related to Business Improvement District No. 1 by Amending Chapter 3.24 of the Rapid City Municipal Code. Motion was made by Roberts, second by Modrick that Ordinance 6179 be placed on its first reading and the title was fully and distinctly read.

Community Planning & Development Services Department Items

Doyle read in item (No. 17PL026) A request by Fisk Land Surveying and Consulting Engineers, Inc for Rick Bentley of Ferdinand Dirt LLC for a Preliminary Subdivision Plan for proposed Lot E of Lot 5 of North 80 Subdivision, generally described as being located south of the western terminus of Bentley Lane. Motion was made by Doyle, second by Salamun and carried to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to include signature lines for both the City and State Highway/Street Authority; 2. Prior to submittal of a Final Plat application, the plat document shall be revised to show Fifth Street as "5th Street"; and, 3. A Final Plat shall be submitted for review and approval.

Doyle read in item (No. 17PL027) A request by Sperlich Consulting, Inc for Kent and Cynthia Guthrie for a Preliminary Subdivision Plan for proposed Lots 1A and 1B of Block 2 of Skyline Pines Subdivision, generally described as being located southeast of the intersection of Skyline Drive and Pevans Parkway. Motion was made by Doyle, second by Scott and carried to deny. In response to a question from Modrick, Tech said the neighbors want the lot sizes maintained in that area. It was the primary reason that the Planning Commission recommended denial.

Doyle read in item (No. 17PL028) A request by KTM Design Solutions, Inc for DKEA, LLC for a Preliminary Subdivision Plan for proposed Lots 13 thru 14 of Block 2 and Lots 9 thru 22 of Block 3 of Red Rock Village Subdivision, generally described as being located lying along Lahinch Street. Motion was made by Doyle, second by Salamun and carried to approve with the following stipulations: Staff recommends that the Preliminary Subdivision Plan be approved with stipulations: 1. Prior to submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for Lahinch Street shall be submitted for review and approval showing the street located in a minimum 52 foot wide right-of-way 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. Utility easements shall be provided as needed; 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 Red Rock Meadows Lift Station is sized to accommodate flows from this area. A sewer master plan shall also be submitted to ensure that the proposed sewer can serve future development. The sewer design report shall be in conformance with the Infrastructure Design Criteria Manual. Utility easements shall be provided as needed; 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 shall be submitted for review and approval for the proposed subdivision improvements. The drainage plan shall address storm water quantity control and storm water quality treatment. 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 for all proposed subdivision improvements shall be submitted for review and approval; 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. 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 associated Final Plat securing the right-of-way for Hunter Street and the eastern portion of Lahinch Street right-of-way located outside the boundary of this plat shall be recorded or this plat shall be revised to include the dedication of the right-of-way; 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.

CIP Committee Items

46. Nordstrom read in item (No. CIP042117-00) Acknowledge Capital Improvement Programs Committee Monthly Update for February 2017. Motion was made by Nordstrom, second by Salamun and carried to acknowledge.
47. Nordstrom read in item (No. CIP042117-03) Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, CSAC). Motion was made by Nordstrom, second by Salamun and carried to approve.
48. Nordstrom read in item (No. CIP042117-04) Approve Capital Plan for Fire Vehicles. Motion was made by Nordstrom, second by Salamun and carried to approve.
49. Nordstrom read in item (No. CIP042117-05) Approve Capital Plan for Parks & Recreation. Motion was made by Nordstrom, second by Salamun and carried to approve.

50. Nordstrom read in item (No. CIP042117-06) Approve Capital Plan for Information Technology. Motion was made by Nordstrom, second by Modrick and carried to approve.
51. Nordstrom read in item (No. CIP042117-01) Approve Financial Reports (Contingency, DCA Charges, Matching Grants, Penn Co Loan). Motion was made by Nordstrom, second by Wright and carried to approve.
52. Nordstrom read in item (No. CIP042117-02) Approve Capital Plan for Streets, Drainage, MIP Projects. Motion was made by Nordstrom, second by Laurenti and carried to approve.
53. Nordstrom read in item (No. CIP042117-07) Approve \$200,000 in CIP grant match funds for West Memorial Park Improvements and up to an additional \$25,000 for a proposed 2017 Stearns Grant Application. Motion was made by Nordstrom, second by Modrick and carried to approve.

Mayor indicated he spoke with Chief Jegeris regarding the reissuance of items 54-97 and there are no problems reported. Motion was made by Laurenti, second by Wright and carried to approve Items 54-97.

Alcoholic Beverage License Applications Reissuance – Items 54-97

2017-2018 Retail (on-off sale) Malt Beverage License Renewals NO Video Lottery

54. Chrisbro LLC dba Hampton Inn, 1720 Rapp Street for a Retail (on off sale) Malt Beverage License
55. Pure Bliss LLC dba A Perfect 10 Nail & Beauty Bar, 36 E Stumer Rd Suite 118 for a Retail (on off sale) Malt Beverage License
56. Pure Bliss LLC dba A Perfect 10, 1109 W Omaha Suite B for a Retail (on off sale) Malt Beverage License
57. Pure Bliss LLC dba A Perfect 10, 1745 Eglin Street Suite 770 for a Retail (on off sale) Malt Beverage License
58. Ichiban LLP dba Ichiban, 1109 W Omaha Street Suite A for a Retail (on off sale) Malt Beverage License
59. Unique Ink Promos Inc. dba Unique Ink Promos Inc, 3300 Deadwood Ave North for a Retail (on off sale) Malt Beverage License
60. Z'Mariks LLC dba Noodle Café, 2335 W Main Street #110 for a Retail (on off sale) Malt Beverage License
61. Deadwood Outfitter Inc dba Deadwood Outfitter, 2820 Harley Drive for a Retail (on off sale) Malt Beverage License
62. D & S Time Square Inc. dba Breakroom Billiards, 355 11th Street for a Retail (on off sale) Malt Beverage License
63. CCW LLC dba HuHot Mongolian Grill, 1745 Eglin Street Suite 990 for a Retail (on off sale) Malt Beverage License
64. Rapid City / BH Lodging LLC DBA Cambria Suites, 3333 Outfitters Rd for a Retail (on off sale) Malt Beverage License

2017-2018 Retail (on-off sale) Malt Beverage License Renewals With Video Lottery

65. Colonial House Inc. dba Colonial House, 2315 Mt Rushmore Rd for Retail (on off sale) Malt Beverage License
66. Wyngard Pot-O-Gold Casino Inc. dba Pot-O-Gold Casino II, 530 Cambell St Suite 1A for Retail (on off sale) Malt Beverage License
67. Wyngard Pot O Gold Casino Inc. dba Lucky D's Casino, 1330 E St Patrick Street for Retail (on off sale) Malt Beverage License
68. Wyngard Pot O Gold Casino Inc. dba Pot-O-Gold Casino, 530 Cambell St Suite 1 for a Retail (on off sale) Malt Beverage License
69. Wyngard Pot O Gold Casino Inc. dba Lucky D's Casino II, 1330 E St Patrick Street #2 for a Retail (on off sale) Malt Beverage License

70. Cimarron Casino Inc. dba Royal Casino I, 2530 W Main Street #1 for a Retail (on off sale) Malt Beverage License
71. Cimarron Casino Inc. dba Royal Casino II, 2530 W Main Street Suite 2 for a Retail (on off sale) Malt Beverage License
72. Cimarron Casino Inc. dba Lucky 7's Casino I, 705 Indiana St, Suite A for a Retail (on off sale) Malt Beverage License
73. Cimarron Casino Inc. dba Lucky 7's Casino II, 705 Indiana St, Suite B for a Retail (on off sale) Malt Beverage License
74. Cimarron Casino Inc. dba Lucky 7's Casino III, 705 Indiana St, Suite C for a Retail (on off sale) Malt Beverage License
75. Bach Investment Inc. dba Hideaway Casino, 1575 N. LaCrosse Street Suite D for a Retail (on off sale) Malt Beverage License
76. Robert W Johnson dba Canyon Lake Pub & Casino, 4116 Jackson Blvd for a Retail (on off sale) Malt Beverage License
77. United Food Inc. dba Toby's Casino South, 710 Cleveland Street for a Retail (on off sale) Malt Beverage License
78. United Foods Inc. dba Toby's Casino Too, 714 Cleveland Street for a Retail (on off sale) Malt Beverage License
79. CCKT, Inc. dba King of Hearts Casino, 2820 W Main Street Suite B for a Retail (on off sale) Malt Beverage License
80. CCKT, Inc. dba King of Hearts Two, 2820 W Main Street Suite A for a Retail (on off sale) Malt Beverage License
81. CCKT, Inc. dba Queen of Hearts Casino II, 316 East Blvd Street Suite 110 for a Retail (on off sale) Malt Beverage License
82. CCKT, Inc. dba Queen of Hearts Casino, 316 East Blvd Street Suite 100 for a Retail (on off sale) Malt Beverage License
83. Pilot Travel Centers LLC dba Pilot Travel Center #918, 2783 Deadwood Ave for a Retail (on off sale) Malt Beverage License

2017-2018 Package (off sale) Malt Beverage License Renewals

84. Jim Buchli dba Rushmore Sinclair, 2420 Mt Rushmore Rd, for Package (off sale) Malt Beverage License
85. MG Oil Company dba Corner Pantry #4, 901 East North Street for Package (off sale) Malt Beverage License
86. Bob's Amoco Inc. dba Bobs Amoco, 721 Mt Rushmore Rd for Package (off sale) Malt Beverage License
87. MG Oil Company dba Corner Pantry #5, 601 Mountain View for Package (off sale) Malt Beverage License
88. MG Oil Company dba Corner Pantry #8, 302 E North Street for Package (off sale) Malt Beverage License
89. MG Oil Company dba Corner Pantry #9, 1220 E St Patrick Street for Package (off sale) Malt Beverage License
90. MG Oil Company dba Corner Pantry #10, 1818 Mt Rushmore Rd for Package (off sale) Malt Beverage License
91. MG Oil Company dba Corner Pantry #13, 310 E Fairmont Blvd for Package (off sale) Malt Beverage License
92. MG Oil Company dba Corner Pantry #14, 501 Deadwood Ave for Package (off sale) Malt Beverage License
93. MG Oil Company dba Corner Pantry – LaCrosse, 2130 LaCrosse Street for Package (off sale) Malt Beverage License
94. Wal-mart Stores Inc. dba Wal-mart Supercenter #1604, 1200 N LaCrosse Street for Package (off sale) Malt Beverage License

- 95. Nash Finch Company dba Family Thrift Center #253, 1516 E St Patrick Street for Package (off sale) Malt Beverage License

2017-2018 Package (off sale) Malt Beverage and SD Farm Wine License Renewals

- 96. Pilot Travel Centers LLC dba Pilot Travel Center #918, 2783 Deadwood Ave, for Package (off sale) Malt Beverage and SD Farm Wine License
- 97. Recreational Adventures Co. dba KOA Kampground, 3010 E Highway 44, for Package (off sale) Malt Beverage and SD Farm Wine License

PUBLIC HEARING ITEMS – Items 98 – 102

CONTINUED PUBLIC HEARING CONSENT ITEMS – Item 98

Continue the following items until May 15, 2017:

Mayor read in item (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. Motion was made by Scott, second by Laurenti to continue to the May 15, 2017 City Council Meeting.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

CONSENT PUBLIC HEARING ITEMS – Item 99 – 102

Motion was made by Laurenti, second by Modrick and carried to approve Items 99-102.

Alcohol Licenses

- 99. 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
- 100. 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
- 101. 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
- 102. 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

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS

The following bills have been audited.

BILLIST - MAY 1, 2017

P/ROLL PERIOD END 04/15/17, PD 04/21/17	1,034,159.18
CDEV P/ROLL PERIOD END 04/15/17, PD 04/21/17	3,275.59
PIONEER BANK & TRUST, 04/15/17 P/ROLL TAXES, PD 04/21/17	258,244.18
CDEV PIONEER BANK & TRUST, 04/15/17 P/ROLL TAXES, PD 04/21/17	874.05
SOUTH DAKOTA DEPARTMENT OF REVENUE, MAR17 SALES TAX PAYABLE PD 04/21/17	44,638.50
SOUTH DAKOTA DEPARTMENT OF REVENUE, MAR17 EXCISE TAX PAYABLE PD 04/21/17	7.49
WELLMARK INC, HEALTH CLAIMS THROUGH 04/07/17, PD 04/13/17	186,243.30
WELLMARK INC, HEALTH CLAIMS THROUGH 04/14/17, PD 04/20/17	151,859.37
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/17/17, PD 04/18/17	6,605.09
WAGE WORKS, SECTION 125 CLAIMS THROUGH 04/24/17, PD 04/25/17	7,969.81

BANK WEST, TID47 TOWER RD, PD 04/19/17	11,720.07
BANK WEST, TID54 RAINBOW RIDGE, PD 04/19/17	16,249.65
BANK WEST, TID56 RUSHMORE CROSSING, PD 04/19/17	40,420.13
BANK WEST, TID65 MINNESOTA ST, PD 04/19/17	9,957.47
BANK WEST, TID69 NORTH FIRE STATION, PD 04/19/17	3,160.67
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 04/19/17	11,563.28
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 04/19/17	7,699.07
CITY OF RAPID CITY, TID64 CABELA'S, PD 04/19/17	9,265.13
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 04/19/17	23,313.07
SODAK DEVELOPMENT, TID68 HOMESTEAD, PD 04/19/17	3,292.19
THF STONERIDGE DEVELOPMENT, TID71 S ROBBINSDALE, PD 04/19/17	4,200.54
SD DEPARTMENT OF LABOR-UNEMPLOYMENT INS, BENEFIT CHARGES, PD 04/26/17	13,349.05
BERKLEY ASSIGNED RISK SERVICES, CLAIM, PD 04/19/17	22,317.41
BLACK HILLS ENERGY, ELECTRICITY, PD 04/25/17	24.75
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 04/25/17	38,626.46
COMPUTER BILL LIST	2,627,759.29
CDEV COMPUTER BILL LIST	4,163.98
SUBTOTAL	4,540,958.77
RSVP, P/ROLL PERIOD END 04/15/17, PD 04/21/17	3,330.59
RSVP, PIONEER BANK & TRUST, 04/15/17 P/ROLL TAXES, PD 04/21/17	990.48
RSVP, COMPUTER BILL LIST	48.32
TOTAL	4,545,328.16

Sumption presented the bill list total of \$4,545,328.16. Motion was made by Roberts, second by Doyle and carried to authorize (No. CC050117-01) the Finance Officer to issue warrants or treasurers checks drawn on proper funds, in payment thereof.

EXECUTIVE SESSION to consult with legal counsel regarding pending litigation pursuant to SDCL 1-25-2(3). Motion was made by Doyle, second by Modrick to go into Executive Session at 8:07 p.m. Motion was made by Scott, second by Laurenti to come out of Executive Session at 8:55 p.m.

STAFF DIRECTION regarding pending litigation with Epic Outdoor Advertising. Motion was made by Laurenti, second by Roberts to direct staff to extend counteroffer #1 (as discussed in Executive Session) to Epic Advertising. Substitute motion was made by Modrick to extend counteroffer #3. Motion died due to lack of second. Motion carried to extend counteroffer #1 with a vote of 7-1 with Modrick voting no.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Modrick, second by Roberts and carried to adjourn the meeting at 8:57 p.m.

Dated this 1st day of May, 2017.

ATTEST:

Finance Officer

(SEAL)

CITY OF RAPID CITY

Mayor