

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 19, 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, June 19, 2017 at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Public Works Director Dale Tech, Interim Fire Chief Rod Seals, Assistant Police Chief Don Hedrick, Current Planning Manager Vicki Fisher and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor asked Dr. Richard Gowen and his wife Nancy to give an update on the Inter-Collegiate Programming Competition that was held in Rapid City. Mayor presented them with an Executive Proclamation from the Mayor's office. He thanked them for their efforts in initiating the ACM international collegiate programming contest world finals in 2011. The pursuit became a reality in 2014 when Dick and Nancy Gowen agreed to take the lead in the endeavor. They traveled to Russia to share a formal presentation as to why Rapid City should be the host of the 2017 ICPC World Finals. In 2014 they formed the ECP, Excellence in Computer Programming. They worked countless hours over the past four years to secure funding, staffing of over 200 volunteers and procurement of Visa's for competitors. The host committee and city were applauded for their efforts and hospitality which promoted Rapid City to a global audience. Mayor proclaimed June 19, 2017 as Dick and Nancy Gowen Day. Dr. Gowen thanked all the citizens of Rapid City, his wife, along with the members of the board and Qusi Al-Haj.

Mayor Allender presented Veteran of the Month for June 2017 to Chris Cooper. He was recognized for his efforts and dedication to the service of his country and community.

Mayor Allender presented Hidden Hero of the Month for June 2017 to Jennifer Kellsy. She was recognized for her sacrifice, compassion and dedication to veteran caregiving.

GENERAL PUBLIC COMMENT

Carol Merwin addressed the Council. She wanted to thank Brad Estes for all that he's done for the City of Rapid City while he's been on Council and he will be missed.

NON-PUBLIC HEARING ITEMS -- Items 4 – 35

CONSENT ITEMS – Items 4 – 28

The following items were removed from the Consent Items:

10. PW061317-04 – Authorize Mayor and Finance Officer to Sign a Covenant Agreement between the City and Freeland Meadows, LLC for Construction of Water Main in Country Road.
25. LF061417-03 – Approve Request for Transfer of 248 Curtis Street from Pennington County to the City of Rapid City and Authorize the Mayor to Accept and Record Deed when Transferred.

Motion was made by Doyle, second by Salamun and carried to approve Items 4-28 as they appear on the Consent Items with the exception of Items 10 and 25.

Approve Minutes

4. Approve Minutes for the June 5, 2017 Regular Council meeting.
5. Approve Minutes for the June 13, 2017 Special Council meeting.

Alcoholic Beverage License Applications Set for Hearing (July 3, 2017)

6. Maverik, Inc. DBA Maverik, Inc. #571, 525 E North Street for a Package (off sale) Malt Beverage license and Retail (on-off sale) Wine license

Public Works Committee Consent Items

7. PW061317-01 – Authorize Staff to Advertise for Bids for Knollwood Low Level Water Main Abandonment, Project No. 16-2339 / CIP No. 51073. Estimated Cost: \$125,000.00.
8. PW061317-02 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City Of Rapid City and Grey Television Group, Inc. for Construction of Public Water Main From Kepps Reservoir To 2001 Skyline Drive.
9. PW061317-03 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Watershed Development, LLC for Oversize Water Main Cost Reimbursement, not to exceed \$43,450.00.
11. PW061317-05 – Authorize Mayor and Finance Officer to Sign an Agreement Between Muth Holdings, LLC and City of Rapid City for Installation of Public Water and Sewer Mains and Oversize Reimbursement for Water Mains.
12. PW061317-06 – Authorize Mayor and Finance Officer to Sign a Permanent Utility Easement to Black Hills Power, Inc. for property located at Tract A of Lot C and of Lot S-1 of Marshall Heights Tract.
13. PW061317-07 – Authorize Mayor and Finance Officer to Sign a Permanent Utility Easement to Black Hills Power, Inc. for property located at All of Block 128 and the E66 feet of Block 127 and all of Lot 98A except W99 feet of said lot of Mahoney Addition.
14. PW061317-08 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 for Alley south of Kansas City Street between 4th Street and 2nd Street Sanitary Sewer Improvements, Project No. 16-2338 / CIP No. 50827 for additional work associated with design.
15. PW061317-09 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and FMG Inc. for Groundwater Monitoring Services for Rapid City Utility Maintenance Facility in the amount of \$5,200.00.
16. PW061317-10 – Approve Request from Danette and Ross Eckholm for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Cliff and Wonderland Drives, Rapid City.
17. PW061317-11 – Approve Request from Tim Duda for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 Along Silverleaf Avenue for the property located at 1320 4th Street.
18. PW061317-12 – Authorize Staff to Seek Proposals for Alfalfa/Hay Harvesting of City Property.
19. PW053017-19 – Approve the Appeal of Denied Exception Requests from KTM Design Solutions on Behalf of Boomschockalocka, LLC to Waive Additional Pavement, Curb, Gutter, Sidewalk and Street Light Conduits in Dyess Avenue (City Files 17EX101, 17EX103, 17EX104) contingent upon a request agreement for deferred improvements.

Legal & Finance Committee Consent Items

20. LF061417-07 – Authorize Staff to Apply for and Accept if Awarded the Department of Justice Community Policing Development Grant
21. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Ryan Brell, James Miller, Peggy Holmber

- 22. LF061417-01 – Approve Resolution No. 2017-043 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2017-043

RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

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

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

From: Police Department (201)

For disposal:

BioRad Model FTS-135 FTIR, S16646, S/N 1351020 collocated with S/N 009-1812/010-0202-1 REV A

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 19th day of June, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

(SEAL)

- 23. LF051017-06 – Approve Y2016 Final Consolidated Annual Performance and Evaluation Report (CAPER) and Financial Report
- 24. LF061417-04 – Approve Resolution No. 2017-045 to Create Position of Fire Mobile Medic.

RESOLUTION NO. 2017-045

RESOLUTION TO AMEND THE CITY OF RAPID CITY
COMPENSATION PLAN BY ESTABLISHING

THE NEW POSITION OF FIRE MOBILE MEDIC WITHIN THE FIRE DEPARTMENT

WHEREAS, duties and responsibilities for positions within Departments throughout the City change and evolve over time; and

WHEREAS, respective Leaders within City Management request recommend that the new position of Fire Mobile Medic be created; and

WHEREAS, the duties and responsibilities of the below listed position have been evaluated by the City of Rapid City’s Compensation Committee utilizing the Factor Evaluation System (FES) to establish the appropriate placement on the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the City of Rapid City Compensation Plan by adding the position of Fire Mobile Medic to the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City that the position listed below is hereby created; and

BE IT FURTHER RESOLVED by the City Council of the City of Rapid City that the compensation plan is hereby revised as follows:

ADD TO THE IAFF 40 HOUR PAY SCALE

Position Title	Pay Scale	Job Classification	Grade	Classification	SALARY RANGE	
					Min	Max
Fire Mobile Medic	IAFF	FDMM	20	Non-exempt	\$60,632.15	\$75,790.18

Dated this 19th day of June, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Community Planning & Development Services Department Consent Items

- 26. 11TI001 – Approve Resolution No. 2017-039 a Resolution Dissolving Tax Increment District No. 71 for Property Generally Described as Being Located East of U.S. Highway 16, West of S.D. Highway 79 and North and South of Catron Boulevard

RESOLUTION NO. 2017-039

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NUMBER SEVENTY ONE

WHEREAS, the City of Rapid City created Tax Increment District Number Seventy One on March 21, 2011; and

WHEREAS, all certified project costs have been reimbursed and no reimbursable project costs remain to be paid; and

WHEREAS, the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46(2),

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Number Seventy One be and is hereby dissolved.

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Seventy One Special Fund, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 19th day of June, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Pauline Sumption

Finance Officer

(SEAL)

Bid Award Consent Items

27. CC061917-02.1 – Approve award of total bid for Pavement Rehabilitation Project - Powderhorn Drive, Project No. 17-2376 / CIP No. 50549 opened on June 13, 2017 to the lowest responsible bidder, Western Construction, Inc. in the amount of \$174,892.10.
28. CC061917-02.2 – Approve award of total bid for Mall Drive PCC Panel Repair Project, Project No. 17-2387 / CIP No. 50445 opened on June 13, 2017 to the lowest responsible bidder Tru-Form Construction, Inc., in the amount of \$191,432.00.

END OF CONSENT ITEMS

Mayor read in item (PW061317-04) Authorize Mayor and Finance Officer to Sign a Covenant Agreement between the City and Freeland Meadows, LLC for Construction of Water Main in Country Road. Estes said he needed to abstain. Motion was made by Scott, second by Wright to approve. Motion carried 7-0 with Estes abstaining.

Mayor read in item (LF061417-03) Approve Request for Transfer of 248 Curtis Street from Pennington County to the City of Rapid City and Authorize the Mayor to Accept and Record Deed when Transferred. Scott said she thought this looked like sherrif's deed. She asked if there was a waiting period before the transfer took place. Kinsley Groote, Assistant City Attorney, said that it was a tax deed and there is no waiting period for the transfer. Deed is free and clear. Mayor said he'd be attending county meeting in the morning where they will rule on this issue as well. Motion was made by Estes, second by Salamun and carried to approve.

NON-CONSENT ITEMS – Items 29 – 35

Nannette Smith spoke on item 31. She said the developer is proposing to build 3-story apartments east of this. She is curious as to why developer is changing from MDR to single family dwellings for those 14 lots. She is concerned with water drainage.

Mike Quasney, Treasurer of Scenic Rapid City, spoke on item 34. He urged council to review the last Legal and Finance meeting. He doesn't think the compromise should take place. There are two billboards of concern, not yet owned by EPIC. One is in a residential area and has been there before 1985, which is legal non-conforming, can be maintained but not changed. The other would be considered a new billboard, only 500 feet from an existing billboard. He said EPIC puts up signs without permits. He stated that it's time to stop the nonsense. He thinks the city is setting themselves up for more lawsuits. The city needs to commit to the comprehensive plan. He urged council not to negotiate or give in to the settlement.

Debra Jensen, Secretary of Scenic Rapid City, spoke on item 34. She urged council not to sign the proposed settlement agreement. She stated the unintended consequences of this agreement might not be fully known. The grandfathered billboard at Dove Center can't be moved, only be maintained. She said EPIC would buy that sign and put up a 672 foot billboard. This would be the first time since 1985 that a new billboard in a low density residential neighborhood is allowed to be built. The LDR zoning seems to be overlooked during the negotiations. She said the city is agreeing to change the ordinance size from 250 feet to 672 feet for all billboards along I-90. She said there are too many unknown potential consequences. She asked council not to sign the settlement agreement.

Tim Rose spoke on item 35. He asked council to grant him a taxi driver license and said he would not be renewing his taxi business license.

Ordinances

Ordinance 6180 (LF053117-09) An Ordinance to Update the Life Safety Loan Program Funding and Process by Amending Chapter 3.28 of the Rapid City Municipal Code. Motion was made by Estes, second by Scott that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed an Ordinance 6180 was declared duly passed upon its second reading.

Ordinance 6185 (No. 17RZ021) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Chris Olney of ARC International for a Rezoning from General Agricultural District to Office Commercial District for property generally described as being located southeast corner of the intersection of Mt. Rushmore Road and Enchantment Road. Motion was made by Estes, second by Roberts to approve in conjunction with Planned Development Designation – 17PD033 and that Ordinance 6185 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. 17PL050) A request by Sperlich Consulting, Inc for DOECK LLC for a Preliminary Subdivision Plan for proposed Lots 8 and 9 of Block 5, Lots 6 thru 8 of Block 7, Lots 2 thru 6 of Block 12 and Lots 1 thru 4 of Block 13 of Auburn Hills Subdivision, generally described as being located at the western terminus of Coal Bank Drive and south of Misty Woods Lane. Motion was made by Roberts, second by Wright to approve. In response to a question from Modrick, Tech said the current zoning is MDR and the proposed use is allowed in MDR zoning. It is the property owner's choice right now to develop it as he sees fit. In regards to the drainage, Auburn Hills has had a number of drainage studies done on a phase by phase basis. This phase will have an engineered drainage plan submitted and constructed by the developer. Tech clarified the motion to approve with stipulations, both Roberts and Wright agreed. Motion carried to approve with the following stipulations: Planning Commission recommended that the Preliminary Subdivision Plan be approved with the following stipulations: 1. Upon 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. The revised plans shall be to a readable scale; 2. 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for Misty Woods Lane and Coal Bank Drive shall be submitted for review and approval showing the streets 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 in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway shall be submitted for review and approval showing the dedication of half the right-of-way for a local street, or 26 feet, and showing the construction of a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained or the section line shall be vacated. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, if the section line highway is not vacated, the plat document must be revised to ensure that a building envelope exists on the adjacent lots; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis

prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. The design report shall also provide an analysis of the entire sewer basin that will be served by the main in Coal Bank Drive. Utility easements shall also be provided as needed; 7. 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 report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be provided as needed; 8. Upon submittal of a Development Engineering Plan application, an updated geotechnical report shall be submitted for review and approval; 9. Upon submittal of a Development Engineering Plan application, an updated Master Plan reflecting the current conditions and existing surrounding development and street network shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 12. Prior to submittal of a Development Engineering Plan application, the plat title shall be revised to show Lot 1 with a different lot number since this lot and block within Auburn Hills Subdivision already exists. The proposed revised title shall be submitted to the Register of Deed's Office for review and approval. In addition, the plat document shall reflect the approved lot notation; 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Legal & Finance Committee Items

Roberts read in item (LF061417-02) Approve Resolution No. 2017-044 A Resolution Removing the Rapid City Special Assessment on Tract AR2 of Ridge Park Estates. In response to a question from Scott, Groote explained this special assessment started with the extension of E St Patrick Street. In 1995 Council decided to let the property owner replat their property into two sections and the assessment got put on the AR2 property. In response to a question from Scott, Sumption said the SAB28 doesn't typically pay for the improvements upfront it's usually a different fund and we set the receivable up to go through the SAB28 and repays the fund it was originally paid for. In this case, it's a book entry only and so cash will not be decreased at all. The decrease will be in the accounts receivable that we have on the books currently, which would be the \$150K plus that Scott mentioned. The reason it got so high was the interest rate on the assessment was 9% and the county has a 10% penalty on that for every year that it doesn't get paid. There is no money to reimburse at this time. She could not find any record prior to 1993 to see what fund paid for it. But since it was a street, more than likely it was paid for out of the CIP fund for the \$35,000. Scott said she is disappointed that the City's records can put the complete story together regarding what happened. Sumption said in her research regarding this property, it was one big property that abutted the new E St Patrick Street, so it was properly assessed to the one large property. There is no record of the audio from the meeting when they decided to split the property. When it was replatted, Sumption believes the assessment was only put on the property that was along E St Patrick Street because that was the benefiting property. The second property had access through Pendar Lane and not E St Patrick Street, so therefore the assessed property changed. In response to a question from Laurenti, Groote said there was not a loop-hole because it was all done with Council approval. Motion was made by Estes, second by Robert and carried to approve.

RESOLUTION No. 2017-044
A RESOLUTION REMOVING THE RAPID CITY SPECIAL ASSESSMENT
ON TRACT AR2 OF RIDGE PARK ESTATES

WHEREAS, the City of Rapid City had previously approved a special assessment for the property on E. Saint Patrick Street with the tax identification number of 48970 (the "Property") and legally described as: "Tract AR2 of Ridge Park Estates Subdivision"; and

WHEREAS, this special assessment was approved on the 4th day of December, 1995, by a resolution entitled "Resolution Levying Reassessment for ST93-474";

WHEREAS, a \$37,895.72 special assessment was assessed against the Property, which over time accrued interest and late fees, making the total outstanding balance approximately \$151,402.51 to-date; and

WHEREAS, the City of Rapid City now owns the Property and has no need to keep a special assessment on its own property; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rapid City, South Dakota that any special assessment approved by the City of Rapid City is removed from the Property,

BE IT FURTHER RESOLVED, by the City of Rapid City that any lien against the Property, created as a result of the special assessment, is satisfied and extinguished.

Dated this 19th day of June, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Roberts read in item (LF061417-05) Authorize Mayor and Finance Officer to Sign Settlement Agreement Between the City of Rapid City and President's Plaza, LLC. Motion by Roberts, second by Wright to approve the settlement. Wright mentioned the article in the "Two Cents" and stated people make derogatory comments toward the council when they don't know the facts. Wright stated the facts as he knows them are obstruction or interference in financing by the former mayor. He said it's wrong to attack two individuals who do business in this community and it is inappropriate, unethical and not nice. He thinks the two gentlemen were prepared to do this project but things happened in the finance world to delay and stop the project. Wright asked Hall what they needed to move forward and Hall said they needed \$5 million for the parking structure, which would have been done in a TIF. Wright said the downtown business owners were promised a parking structure back in 1974. He said a second option would have been to do a TIF for \$3 million and receive a \$2 million dollar donation from an anonymous source in the community. There was an agreement ready to sign but it didn't happen. They were supposed to start in October 2014 and be completed by 2016. He stated the article in the paper was extremely erroneous. In response to a question from Scott, Landeen said the lawsuit stated there were things that Mayor Kooiker did that Hall and Shafai believe resulted in a breach of the covenant that is covered by every contract of good faith and fair dealing. Landeen stated the mayor is the CEO of the city and his actions are the actions of the city. Scott asked if the petitioners could go after former Mayor Kooiker if this is settled, Landeen said no. In response to a question from Salamun, Landeen said they looked at the wronged party's out of pocket expenses in order to come up with the settlement amount.

Landeen said if this went to trial it would have been over \$600,000. In order to settle it, they asked for a lower amount. The petitioners provided invoices and the city went through them and questioned some of the amounts. They counter-offered and came to a settlement amount. Motion passed 7-1 with Laurenti voting no.

Roberts read in item (LF061417-06) Authorize Mayor and Finance Officer to Sign Settlement Agreement Between the City of Rapid City and Epic Outdoor Advertising, Inc. Landeen said there was a concern raised regarding the sign near the residential property by the representatives of Scenic Rapid City. This sign is crucial to the settlement agreement. The City needs to discuss this part of the settlement with Mr. Sabers, who represents Mr. Casey, before the agreement is final. Landeen asked that the item be continued to the July 3, 2017 City Council meeting so he can meet with Mr. Sabers and salvage the settlement. Landeen said he would brief the new council members. Motion was made by Laurenti, second by Scott to continue the item to the July 3, 2017 council meeting. Modrick said we are trying to salvage a settlement that has fault cover to cover. She does not want to save the settlement but would rather call it dead. The council needs to do what is right for the citizens and the sign industry. She would like council to read the sign code. She thinks they need to start over and slow down and there should be no rush to decide anything on July 3rd. She said the sign code gets reviewed every five years and thinks it's time for another review. She would like council to make this a dead settlement and protect Rapid City. In response to a question from Doyle, Landeen said the maximum face size the state allows is 1200 square feet. Motion passed 7-1 with Modrick voting no.

Appeals

Mayor read in item (CC061917-04.1) Appeal of Denied Taxi License – Tim Rose. In response to a question from Salamun, Hedrick said the application process is the same for both a taxi driver or a taxi business owner. The police department takes into account all of the information given on the application as well as their criminal history. When the license is denied, the applicant can appeal the decision through City Council. He said Tim's Taxi Service was cited for driving without a taxi license and there is also current prosecution for tax evasion. He stated there is one felony arrest for Rose right now. Rose is supposed to turn himself in tomorrow morning. Roberts said he felt bad for Rose. He indicated this isn't a driving offense and won't lose his driver's license for tax evasion. In response to a question from Roberts, Sumption said there are two separate licenses, one for a taxi driver and one for a taxi business. Hedrick said he only applied for a taxi driver license. Wright asked if Rose is supposed to have insurance and Hedrick said he'd have to look into it. In response to a question from Scott, Rose said he only applied for a taxi driver license. He said he is currently riding along with Rapid Taxi to get training with them to be a driver. In response to a question from Scott, Hedrick said Rose was denied due to his history of not having a taxi license and his current prosecution. Scott thinks this should be postponed until his warrant is taken care of. Motion was made by Roberts, second by Laurenti to approve the taxi driver license. Roberts said he'd like to see Rose get a second chance. Wright clarified that Roberts wants to approve a taxi driver license only. In response to a question from Modrick, Hedrick said all taxi driver applications are required to have a fingerprint and background check done and Council would be granting an exception if they approved the taxi driver license. Landeen said it's understandable that the police chief would have a little hesitation approving the license since the applicant is being charged with a felony, although not violent or threatening or harming anyone. The application process is to determine the person is not a threat to the public. He assumes there are some taxi drivers who do have a criminal record. He asked the Council if they were more concerned with the tax evasion or a person who will victimize the public. Substitute motion was made by Salamun, second by Laurenti, to postpone this item until he turns himself in and waive any possible additional fees for the license. Landeen said it will be a lengthy process and probably take months to resolve. One of the issues that comes up when you owe money on a legal matter is how are you going to pay restitution. He said it will be difficult for Rose to repay the debt if he doesn't have a job. Laurenti said he was still going to support the motion to approve the license. He asked Council not to continue the item. He said the spirit of the ordinance is to protect the public. He stated Rose has been around Council for quite some time, even serving on the Planning Commission. He would like to see the license approved so he has a job to pay off his debt. Wright asked

Rose to show Hedrick his driver's license to make sure it's valid. Hedrick said it looked valid. Modrick thinks he deserves a chance to clear up debt and since he has an employer, that's half the battle. Second substitute motion by Estes, second by Roberts to approve a taxi driver license contingent upon Rose turning himself in tomorrow morning. Motion passed 8-0.

PUBLIC HEARING ITEMS – Items 36 - 48

Jared Zobel and Angela Phillips spoke on Item 48. Zobel said there are inadequacies in the documentation. On the proposed plan from the Planning Commission, everything on the map is shown as low density when the proposed zoning is medium density. He referenced a document they wrote together and said his Item 6 addresses neighborhood discrepancies. He said there is some language that doesn't seem to be validated from Planning Commission. He is concerned with flooding as some basements were flooded in the first phase. Phillips is concerned with the 50 mph sign right before the complex and how adding 48 more cars will affect the traffic flow. She doesn't want trees taken down. Their desired outcomes would be to leave the trees, keep the drainage ditch, and the hillside not to be disrupted. She said the 3-story apartment towers over the single family homes and doesn't think it flows with the neighborhood. She wants the apartment complex changed from 3-story to 2-story. She wants a land study done by a neutral third party. She also wants a thorough traffic study done. Zobel said there is a natural drainage ditch right now and if a drainage study is done with the trees in place, they absorb a ton of water from the ground it could turn into standing water. They are asking this item be denied.

Nannette Smith spoke on item 48. She lives on the farthest west street in Auburn Hills. She said the development is a majority of single family houses. She objects to 3-story building. She thinks there should be a buffer between single family houses and 3-story buildings. She is concerned with drainage problems. Her sump pump runs all the time. She would like the item denied.

CONSENT PUBLIC HEARING ITEMS – Items 36 – 43

Motion was made by Doyle, second by Laurenti and carried to approve items 36-43.

Alcohol Licenses

36. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and Wine license for an Event scheduled for July 11, 2017 at First Interstate Bank, 333 W Blvd Ste. 100
37. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and Wine license for an Event scheduled for September 12, 2017 at LifeScape, 7110 Jordan Drive
38. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and Wine license for an Event scheduled for October 10, 2017 at Rapid City Public Library, 610 Quincy St.
39. American Legion Post 22 for a SPECIAL EVENT On-Sale Malt Beverage license for an Event scheduled for June 28, 2017 to July 4, 2017 at Post 22 Baseball Field Parking Lot, 2900 Jackson Blvd
40. Naja Shrine Temple for a SPECIAL EVENT On-Sale Dealer license for an Event scheduled for July 1, 2017 at Rapid City Shrine Center, 4091 Sturgis Rd
41. Naja Shrine Temple for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an Event scheduled for July 7, 2017 at Rapid City Shrine Center, 4091 Sturgis Rd
42. Stephen Field DBA Stop & Sip, 2200 N Maple Ave Suite C26 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license
43. Sheree Schriver DBA Jambon Deux(2), 516 7th 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 44 – 48

Mayor read in item (No. 17RZ015) Second Reading, Ordinance 6175, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for Yanni Georgas for a Rezoning from General Agricultural District to Low Density Residential District II for

property generally described as being located southeast of the intersection of Overview Lane and Nugget Gulch Drive. Motion was made by Estes, second by Scott that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6175 was declared duly passed upon its second reading.

Mayor read in item (No. 17RZ018) Second Reading, Ordinance 6182, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Mike Van Loan for a Rezoning from Flood Hazard to Low Density Residential District for property generally described as being located west of West South Dakota Highway 44. Motion was made by Scott, second by Laurenti that the title be read the second time. In response to a question from Modrick, Fisher said the property is allowed to be rezoned from flood hazard to residential since the owner had an engineered study done showing the property was outside the floodplain. Upon vote being taken the following voted AYE: Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6182 was declared duly passed upon its second reading.

Mayor read in item (No. 17RZ019) Second Reading, Ordinance 6183, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning from No Use District to Low Density Residential District for property generally described as being located east of Elk Vale Road, north of Twilight Drive, west of Reservoir Road, south of Homestead Street. Motion was made by Laurenti, second by Salamun that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6183 was declared duly passed upon its second reading.

Mayor read in item (No. 17RZ020) Second Reading, Ordinance 6184, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Selador Ranches, Inc. for a Rezoning from General Agricultural District to Low Density Residential District for property generally described as being located west of Prestwick Road. Motion was made by Scott, second by Salamun that the title be read the second time. Upon vote being taken the following voted AYE: Salamun, Doyle, Estes, Scott, Laurenti, Wright, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6184 was declared duly passed upon its second reading.

Mayor read in item (No. 17PD017) Appeal of Planning Commission's decision on a request by Muth Holdings LLC for a Final Planned Development Overlay to allow an apartment complex for property generally described as being located west of Haines Avenue between Auburn Drive and Cobalt Drive. Modrick said there is a need for growth, development, and housing. What's happening now is these townhomes and apartment complexes are encroaching on single family homes, which isn't satisfactory to the current owners. She said in their current guide, this is an allowed use. She acknowledged the neighbors are concerned with some safety issues. She said they need to do a better job. She stated we need housing but we need to create transition. She wants neighborhoods to be able to maintain the appreciation of their homes. She stated staff and council need to listen to neighbors. Estes said the land carries certain rights and the owner has a right to develop their land. In response to a question from Estes, Fisher said the parcel has been MDR since 1985. Fisher explained the comprehensive plan and the uses associated with this area. Estes said Muth could apply for 66 units in one building and do it tomorrow if he had the proper building permit and it would be allowed, Fisher said yes. Estes said the applicant is reducing the density from 66 units to 48 units and asked how this item got to the Planning Commission. Fisher explained there is a provision in the ordinance that says that you can have one principle structure per parcel of land. The principle structure in this case is an apartment building. If the owner wants to break it up into smaller units then they have to apply for a planned development. Estes stated that if you purchase a home and there is bare land near you, be prepared for that land to be developed. He said Mr. Muth is within the rights that are carried with the land. In response to a question

from Wright, Fisher said it's her understanding the owner will grade the site and making it pad ready for the units. He has a landscaping plan and will be putting a row of trees along the perimeter of the property. Fisher said the existing trees will likely go away. In response to a question from Roberts, Muth said they would save as many trees as possible but some of them will have to be removed. Roberts asked why Muth went from 66 units to 48 units. Muth said the design of four buildings with 12 units each is more appealing to renters and they can be rented faster. Roberts said the units are nice looking and he's putting out a good product. He stated that we tied to the zoning laws and this property has been zoned MDR for a long time. It's unfortunate the neighbors are against it but the owners have the ultimate say in what they want to do with their property as long as it's an allowed use. Motion was made by Salamun, second by Estes, to uphold the planning commission's decision to allow the apartment complex. Salamun likes that Muth is doing four separate buildings rather than one large building. He stated we need affordable housing and having a nice product and living in a nice area of town is important. The developer is meeting all of the city's guidelines and he supports the development. In response to a question from Scott, Fisher said 3-story units are allowed in MDR whether he got approved for the planned development or not. In regards to the drainage concerns, the developer has to submit a drainage plan, it has to be stamped by a professional engineer and approved by the City. Scott asked what else could have been built under MDR, Fisher said churches, commercial child care centers and assisted living facilities could be allowed with a planned development as well. Scott appreciates the decrease in density from 66 to 48. She said he builds quality homes. In response to a question from Scott, Fisher said that the police and fire department weigh in on these applications and Fisher said there were no concerns and all fire codes are being met. Scott asked Mr. Zobell to address his final concerns. Zobell said he understands the development is MDR, he's more concerned with the drainage and safety. Scott said the traffic is monitored very closely on Haines and she wanted Mr. Zobell to know that. Doyle complimented Fisher on her professionalism, compassion and knowledge of both Fisher and her staff over the past six years. In response to a question from Doyle, Fisher said there are drainage issues that are going to be related to every property that is going to be developed. She said the developer will have to submit a grading plan, a drainage plan and storm water quality has to be addressed as well. If there are any issues, they will need to be corrected. Fisher said traffic counts are kept and monitored by the street department. The transportation staff didn't feel that the size of this development warranted a traffic impact study. It has to have a minimum of 150 dwelling units before it triggers a traffic study. Doyle thanked Muth for being a quality builder. Motion passed 8-0.

BILLS

The following bills have been audited.

BILLIST - JUNE 19, 2017

P/ROLL PERIOD END 05/27/17, PD 06/02/17	1,093,296.19
CDEV P/ROLL PERIOD END 05/27/17, PD 06/02/17	3,275.58
PIONEER BANK & TRUST, 05/27/17 P/ROLL TAXES, PD 06/02/17	260,951.35
CDEV PIONEER BANK & TRUST, 05/27/17 P/ROLL TAXES, PD 06/02/17	872.06
SOUTH DAKOTA DEPARTMENT OF REVENUE, MAY17 SALES TAX PAYABLE PD 06/14/17	46,974.08
SOUTH DAKOTA DEPARTMENT OF REVENUE, MAY17 EXCISE TAX PAYABLE PD 06/14/17	272.97
WELLMARK INC, HEALTH CLAIMS THROUGH 06/02/17, PD 06/08/17	163,913.20
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/05/17, PD 06/06/17	1,851.82
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/12/17, PD 06/13/17	3,446.48
SOUTH DAKOTA RETIREMENT SYSTEM, MAY17 RETIREMENT, PD 06/02/17	457,551.93
BERKLEY ASSIGNED RISK SERVICES, MAY17 CLAIMS, PD 06/06/17	36,023.53
BLACK HILLS ENERGY, ELECTRICITY, PD 06/13/17	44,561.69
COMPUTER BILL LIST	3,143,499.36
CDEV COMPUTER BILL LIST	256.70

SUBTOTAL	5,256,746.94
RSVP, P/ROLL PERIOD END 05/27/17, PD 06/02/17	3,330.59
RSVP, PIONEER BANK & TRUST, 05/27/17 P/ROLL TAXES, PD 06/02/17	983.39
RSVP, COMPUTER BILL LIST	105.15
TOTAL	5,261,166.07

Sumption presented the bill list total of \$5,261,166.07. Motion was made by Wright, second by Estes and carried to authorize (No. CC061917-01) 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 Scott, second by Laurenti and carried to adjourn the meeting at 8:41 p.m.

Dated this 19th day of June, 2017.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)