

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

July 3, 2017

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, July 3, 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, 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: NONE

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

**AWARDS AND RECOGNITIONS**

Mayor Allender recognized Councilpersons Jerry Wright, Brad Estes and Charity Doyle for their service to the City of Rapid City. He thanked them for their years of dedication and presented a plaque to each of them.

Chief Jegeris presented a service award to Brenda Holzer for 20 years of service with the Police Department. He thanked her for her service to the City of Rapid City.

**CANVASSING OF THE VOTES**

Mayor read in item (No. CC070317-04.1) Approve Emergency Resolution Number 2017-057, Canvassing Vote for the Run-off Election held June 27, 2017 for Ward 5. Motion was made by Estes, second by Scott to approve. Motion carried 10-0.

Resolution No. 2017-057  
EMERGENCY RESOLUTION CANVASSING VOTE FOR THE SECONDARY  
ELECTION HELD JUNE 27, 2017 – FIFTH WARD

WHEREAS there was held in the City of Rapid City, South Dakota, on Tuesday, the 27<sup>th</sup> day of June, 2017, a Secondary Election of the City of Rapid City, South Dakota, for the purpose of electing an Alderman to represent Ward 5 for a term of three years; and

WHEREAS the results of the Secondary Election for Ward 5 Alderman have been presented to the Common Council for purposes of canvassing the election returns.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Official Canvass Sheet, attached hereto and incorporated herein by this reference, is approved by the Common Council in its capacity as the Board of Canvassers for the City of Rapid City.

BE IT FURTHER RESOLVED that Laura Armstrong, having received a majority of all votes cast for the office of Alderman for the Fifth Ward for a term of three years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the Fifth Ward and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.

BE IT FURTHER RESOLVED that this resolution is found and determined to be necessary for the immediate preservation of the public peace, health, and safety, and for the support of the municipal



WARD TWO ALDERMAN  
s/Steve Laurenti

WARD TWO ALDERMAN  
s/Ritchie Nordstrom

WARD THREE ALDERMAN  
s/Jason Salamun

WARD THREE ALDERMAN  
s/Jerry Wright

WARD FOUR ALDERMAN  
s/Amanda Scott

WARD FOUR ALDERMAN  
s/John Roberts

WARD FIVE ALDERMAN  
s/Darla Drew

WARD FIVE ALDERMAN  
s/Brad Estes

Subscribed and sworn to before me this 3<sup>rd</sup> day of July, 2017.

s/ Pauline Sumption  
Finance Officer

(SEAL)

**RECESS TO SWEAR IN NEWLY ELECTED COUNCIL MEMBERS**

Mayor called the meeting to recess at 7:00 p.m. At this time the Oath of Office was administered to Mayor Allender and Ward Council Members Elect Becky Drury, Ritchie Nordstrom, Chad Lewis, John B Roberts and Laura Armstrong.

**RECONVENE**

Mayor Allender reconvened the meeting at 7:09 p.m. with the following members present: Darla Drew, Laura Armstrong, Becky Drury, Jason Salamun, Chad Lewis, Amanda Scott, Steve Laurenti, Lisa Modrick and John Roberts.

**ELECTION OF OFFICERS**

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

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

Nordstrom left the meeting at 7:14 p.m.

**ADOPTION OF AGENDA**

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

**GENERAL PUBLIC COMMENT**

Mary Jo Farrington said she read a complimentary article in the RCJ about the civic center and the choices for the public to consider. She appreciates the work that has been done so far. She knows that tourism benefits Rapid City but doesn't think a bigger building is the best option. She would like to see vision funds used in collaboration with the Pine Ridge Reservation project. She will wait to speak on item 28 about the billboard settlement when it comes up.

**NON-PUBLIC HEARING ITEMS** -- Items 8 – 40

**CONSENT ITEMS** – Items 8 – 23

The following items were removed from the Consent Items:

- 14. LF062817-02 – Acknowledge April 2017 Sales Tax Report
- 15. LF062817-04 – Acknowledge May 2017 General Fund Cash Balance Report
- 16. LF062817-03 – Approve Resolution No. 2017-054 a Resolution to Create Positions of Utility Field Chief – Water and Utility Service Chief – Water

Motion was made by Lewis, second by Laurenti and carried to approve Items 8-23 as they appear on the Consent Items with the exception of Items 14, 15 and 16.

***Approve Minutes***

- 8. Approve Minutes for the June 19, 2017 Regular Council meeting.

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

- 9. Thrifty Smoke Shop, Inc. DBA Thrifty Smoke Shop, 608 E North Street for a Package (off sale) Malt Beverage & SD Farm Wine License
- 10. Karen Buxcel for a SPECIAL EVENT On-Sale Malt Beverage and Wine license for an event scheduled for July 25, 2017 at Sol Yoga Collective, 611 ½ Main Street

***Legal & Finance Committee Consent Items***

- 11. LF062817-11 – Confirm the Appointment of Bob DeMersseman to the Opportunity Capture Fund Committee
- 12. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Michael Sexton, Chelaine Asscherick, Marie Romano, Larry Romano, Travis Bolt, Lucille Humphries
- 13. LF062817-01 – Approve Resolution No. 2017-053 a Resolution to Update Change Funds

RESOLUTION 2017-053  
A RESOLUTION TO UPDATE CHANGE FUNDS

WHEREAS, the City Council previously adopted Resolution 2014-003 Establishing and Re-Establishing Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2014-096 A Resolution to Update Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-013 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2015-075 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2016-017 A Resolution to Update Change Funds; and

WHEREAS, the City Council previously adopted Resolution 2017-040 A Resolution to Update Change Funds; and

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the following increase to the existing change fund and following new change fund are to be made:

- Parks & Rec Parkview Admission Change Fund increase to \$400.00
- Parks & Rec Hilton Admission Change Fund increase to \$400.00
- Parks & Rec Horace Mann Admission Change Fund increase to \$400.00

NOW, THEREFORE, BE IT RESOLVED, that the Parks & Rec Parkview Admission Change Fund be increased by \$100.00, the Parks & Rec Hilton Admission Change Fund be increased by \$100.00 and the Parks & Rec Horace Mann Admission Change Fund be increased by \$100.00.

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

- 17. LF062817-06 – Approve Amended Resident Participation Plan.
- 18. LF062817-09 – Authorize Mayor to Sign FY2016 SF-424 and Certifications on Previously Approved Consolidated Annual Performance and Evaluation Report CAPER
- 19. LF062817-08 – Acknowledge Update from the Opportunity Capture Fund Committee
- 20. LF062817-07 – Approve Resolution No. 2017-056 a Resolution Declaring Lots 1-12, Block 19, Original Town of Rapid City Surplus and Appointing Freeholders to Appraise the Property.

Resolution #2017-056  
A RESOLUTION DECLARING LOTS 1-12 OF BLOCK 19, ORIGINAL TOWN  
OF RAPID CITY SURPLUS AND APPOINTING FREEHOLDERS TO APPRAISE THE PROPERTY

WHEREAS, the property described below was acquired by the City for the construction of a recreation facility; and

WHEREAS, the property was not utilized for the planned recreation facility and is no longer necessary, useful or suitable for municipal purposes or the purposes for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED, that the following property is declared surplus and shall be disposed of according to state statutes:

Lots 1-12 of Block 19, Original Town of Rapid City, Pennington County, South Dakota

BE IT FURTHER RESOLVED that the following freeholders are hereby appointed to appraise the property: Charity Doyle, Pauline Sumption, and Chad Lewis.

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

**Community Planning & Development Services Department Consent Items**

- 21. 12TI003 – Approve Resolution No. 2017-052 a Resolution Dissolving Tax Increment District #73 for Property Generally Described as Being Located South of Saint Joseph Street, East of 6th Street and North of Quincy Street

RESOLUTION NO. 2017-052  
A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NUMBER SEVENTY THREE

WHEREAS, the City of Rapid City created Tax Increment District Number Seventy Three on May 21, 2012; and

WHEREAS, no project costs were incurred 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 Three be and is hereby dissolved.

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

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

**Bid Award Consent Items**

- 22. CC070317-02.1 – Approve award of total base bid plus alternate 1 for East Idaho Street, East Nevada Street, Ivy Avenue Street and Utility Reconstruction Project Meade/Hawthorne Drainage Element 221 Improvements, Project No. 15-2253 / CIP No. 50421.3-1B opened on June 27, 2017 to the lowest responsible bidder R.C.S. Construction, Inc., in the amount of \$4,662,232.62.
- 23. CC070317-02.2 – Approve award of Total Bid for Elk Vale – Minnesota Signal Installation, Project No. 16-2352 / CIP No. 51047 opened on June 27, 2017 to the lowest responsible bidder, Muth Electric, Inc. in the amount of \$291,834.00.

**END OF CONSENT ITEMS**

Mayor read in item (LF062817-02) Acknowledge April 2017 Sales Tax Report. In response to a question from Scott, Sumption said the computer competition was in May and this report is only through April. The current sales tax is up .66 through April and up 1.04 through May. The number is compared to the first five months of last year versus the first five months of this year. Motion was made by Salamun, second by Scott to acknowledge.

Mayor read in item (LF062817-04) Acknowledge May 2017 General Fund Cash Balance Report. Scott stated total cash is \$10 million, reserves is \$8 million and designated is \$3.4 million. Sumption agreed that it is safe to say the city is not negative even though there is a negative number in the balance column. This number does include the first half of property taxes from the county. Motion was made by Laurenti, second by Drury to acknowledge.

Mayor read in item (LF062817-03) Approve Resolution No. 2017-054 a Resolution to Create Positions of Utility Field Chief – Water and Utility Service Chief – Water. Drew asked Tech to clarify why new positions are needed. Tech said they are not adding new people only changing the title and updating job descriptions of current positions. Motion was made by Scott, second by Laurenti and carried to approve.

**RESOLUTION NO. 2017-054**

**RESOLUTION TO AMEND THE CITY OF RAPID CITY COMPENSATION PLAN BY ESTABLISHING THE NEW POSITIONS OF UTILITY FIELD CHIEF – WATER AND UTILITY SERVICE CHIEF - WATER WITHIN THE PUBLIC WORKS DEPARTMENT**

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

WHEREAS, respective Leaders within City Management request recommend that the new positions of Utility Field Chief – Water and Utility Service Chief - Water be created; and

WHEREAS, the duties and responsibilities of the positions listed below 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 positions of Utility Field Chief – Water and Utility Service Chief - Water on the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City that the positions listed below are 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 AFSCME PAY SCALE**

Position Title	Pay Scale	Job Classification	Grade	Classification	SALARY RANGE	
					Min	Max
Utility Field Chief - Water	AFSCME	UFCW	14	Non-exempt	\$36,497.82	\$56,265.70
Utility Service Chief – Water	AFSCME	USCW	14	Non-exempt	\$36,497.82	\$56,265.70

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

**NON-CONSENT ITEMS** – Items 24 – 40

Jay Davis spoke on item 28. He said outdoor advertising will always have a place to promote tourism. He just doesn't want to see billboards like Las Vegas. In order to enhance the scenic beauty, we can't have billboards everywhere. He said the citizens of Rapid City voted a few years back to have less billboards and he hates to see it reversed to see a lawsuit get over with. Council needs to respect the will of the people of Rapid City.

Nancy Hilding, President of Prairie Hills Audubon Society, states the organization celebrates nature. They are thankful for Scenic Rapid City and for the City's sign ordinances. She doesn't believe any other exceptions should be made regarding modification to the ordinance. She doesn't understand why the city would accept a settlement regarding item 28.

Sandra Seberger is an environmentalist who enjoys the scenic beauty of Rapid City. She has looked at the settlement agreement and EPIC wants to make the signs taller and wider and she is not in favor of the settlement.

Charles Baumgartner spoke on item 28. He doesn't believe the council should change the ordinance that people of Rapid City voted for. He doesn't see how the council can approve the settlement.

***Ordinances***

Ordinance 6186 (LF062817-05) An Ordinance to Amend Provisions Concerning Appeals to the Building Board of Appeals by Amending Sections 15.04.120 and 15.04.130 of the Rapid City Municipal Code. Motion was made by Salamun, second by Laurenti that the item be continued to the July 17, 2017 City Council meeting per staff's request. In response to a question from Modrick, Tech said that Brad Solon and Carla Cushman were both out of town and he asked that the item be continued in order for Solon and Cushman to answer questions pertaining to the item. Motion passed 9-0.

Ordinance 6188 (LF062817-12) An Ordinance to Update Requirements for Purchases by Amending Section 3.04.030 of the Rapid City Municipal Code. Motion was made Laurenti, second by Drew to approve and that Ordinance 6188 be placed on its first reading and the title was fully and distinctly read.

***Community Planning & Development Services Department Items***

Mayor read in item (No. 17PL053) A request by Sperlich Consulting, Inc for Market Square, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Market Square Subdivision, generally described as being located southwest of the intersection of E. St. Charles Street and Creek Drive. Motion was made by Scott, second by Lewis to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to address redline comments. In addition, the redline plan comments shall be returned with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, a site plan which includes a parking plan, landscape plan and sign plan shall be submitted for review and approval demonstrating that the existing development on proposed Lot 2 meets all of the design standards and

requirements of Chapter 17 of the Rapid City Municipal Code. 3. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the dedication of 10 additional feet of right-of-way along East Saint Patrick Street as it abuts the property 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, construction plans for East Saint Charles Street shall be submitted for review and approval showing the installation of sidewalk along the south side of the street and street light conduit or a Variance to waive the requirement to install sidewalk and an Exception to waive the requirement to install street light conduit shall be obtained. In addition, the plat document shall be revised to show the dedication of 5 additional feet of right-of-way along East Saint Charles Street the first 200 feet as it extends west from Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for Creek Drive shall be submitted for review and approval showing the installation of 16 additional feet of pavement, curb, gutter, sidewalk, street light conduit, and extending the existing water main along the southern portion of the right-of-way shall be submitted for review and approval or an Exception request to waive the requirement must be obtained from the City Council. In addition, the plat document shall be revised to show the dedication of 17 additional feet of right-of-way for Creek Drive or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 6. 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; 7. 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; 8. 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; 9. 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; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 11. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 12. Prior to submittal of a Final Plat application, the plat title shall be revised to show the formerly as "Lot B of Lot 3 of Tract D of SW1/4SW1/4 of Section 5, T1N, R8E Located in the...". In addition, the Certificate of Ownership shall show the owner as Market Square LLC; 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s). Salamun asked to abstain. Motion carried 8-0 with Salamun abstaining.

Mayor read in item (No. 17PL054) A request by Mandi Schmierer for Stuart Martin for a Preliminary Subdivision Plan for proposed Lots 11 thru 19 of Block 4: Lots 2 thru 19 of Block 5: Lots 2 thru 9 of Block 6: Lots 5 thru 9 of Block 7 of Prairiefire Subdivision, generally described as being located south of Winton Street and west of Anderson Road. Motion was made by Lewis, second by Roberts to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the construction plans shall be revised to current City Criteria and Standard Specifications, including urban street sections. In addition, the plat document shall be revised to show the correct Certificates for a Final Plat; 2. Upon submittal of a Development Engineering Plan application, construction plans for Anderson Road shall be submitted for review and approval showing the dedication of one additional foot of right-of-way and the construction of 12 additional feet of pavement, curb, gutter and sidewalk 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, construction plans for Receda Street, Albelia Street and Mondo Street shall be submitted for review and approval showing the streets located in a 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; 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. If required fire flows cannot be met, a 12 inch water main may be needed to be designed and installed along Anderson Road from Winton Street to Mondo Street and looped in the subdivision water system; 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 for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. Prior to submittal of a Final Plat application, a covenant agreement shall be provided identifying maintenance and ownership of any proposed drainage elements. In addition a Major Drainage Easement shall be dedicated for any proposed drainage improvements; 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 plat document shall be revised to show the bearings and distances for the line forming the north boundary of Lot 5, Block 7. In addition, the north lot line of Lot 8, Block 7 shall show the distance of the lot line that abuts existing right-of-way from the balance of the lot line; 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. 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 (LF061417-06) Authorize Mayor and Finance Officer to Sign Settlement Agreement Between the City of Rapid City and Epic Outdoor Advertising, Inc. (This item was continued from the June 19, 2017 Council Meeting). Motion was made by Modrick to table the item. Motion failed due to lack of a second. Motion was made by Scott, second by Laurenti to deny. Scott said the current deal on the table is not in the best interest of the City of Rapid and she won't support it. Modrick said the deal is dead and she won't vote for any settlement at all. Laurenti said he supports the denial. He said there can't be an all-out ban of digital billboards and that our current ordinance is fair. He wants the citizens to know that out of all the litigation since 2011 most people have problems with on premise billboards, not the ones along the interstate. He thinks if the City gets a better agreement, he would like to see it move forward. He does believe there are some faults but that the tax payers do want to move forward as well. If they can get a better agreement that ends the litigation, he would support it. Drew said there are already digital billboards at churches and schools that give information and those are already in existence. Landeen said the agreement didn't repeal anything that was a part of the initiated ordinance. He said his office began the agreement process over the issue of sign credits. EPIC's intent is to still negotiate sign credits. His office no longer supports the agreement because there is no finality from EPIC on fighting the sign credits. Landeen feels EPIC was getting some valuable concessions by the City but they weren't willing to stop litigation for sign credits down the road. Lewis said he was in support of the denial. Roberts said it's unfortunate we couldn't come to an agreement with the sign company. He thinks it's a big gamble with the lawsuit, which will cost the tax payers a lot of money. Motion passed 8-1 with Roberts voting no.

Mayor read in item (LF062817-10) Authorize Mayor and Finance Officer to Sign Professional Services Agreement with Walker Planning Consultants for the Downtown Parking Study and Strategic Plan in an Amount not to exceed \$95,000. Motion was made by Scott, second by Drew to approve. Modrick said she was asked why the city is going outside of the city departments for bids. She said the consultants are the experts and can put this study together in a better format. She is in favor of the study for downtown parking as well as incorporating it with the master plan. They are spending good money on good information that will help them move in the right direction. Drew said she has been part of different task forces regarding parking and they aren't experts and need outside help to move in the right direction. They need to make this a profitable and sustainable parking system. In response to a question from Lewis, Sumption said the study looks at the inventory, future growth, where additional parking is needed, methods of how we do our parking, different rates and new technology as far as taking credit cards or being able to use your phone for payments. She said there are four different departments involved in the parking process. He said the study is about efficiency and upgrades needed and he will support it. Roberts said he won't support it. He thinks there are too many studies done that don't get implemented. He thinks we could model out parking after Sioux Falls. In response to a question from Modrick, Tech said they did visit Sioux Falls and went over many aspects of their parking plan with them. He said the city is going to hire the same consultant they used for their parking. Salamun is in favor of the study. He said the funds are already in place to move forward. He knows the parking study is a significant part of the master plan. Motion passed 7-2 with Roberts and Laurenti voting no.

Drew read in item (PW062717-01) Approve Change Order #2F to RCS Construction, Inc. for Oak Avenue Water Main Reconstruction, Project No. 16-2351 / CIP 51144 for an increase of \$8,365.16. Motion was made by Drew, second by Modrick and carried to approve.

Drew read in item (PW062717-02) Authorize Staff to Advertise for Bids for 5th Street Concrete Repair Project – Minnesota Street to Texas Street, Project No. 15-2292 / CIP No. 50445. Estimated Cost: \$390,000.00. Motion was made by Drew, second by Drury and carried to approve.

Drew read in item (PW062717-03) Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project –Tomahawk Area, Project No. 17-2361 / CIP No. 50844. Estimated Cost: \$400,000.00. Motion was made by Drew, second by Salamun and carried to approve.

Drew read in item (PW062717-04) Authorize Mayor and Finance Officer to Sign Resolution No. 2017-055 Construction Fee Resolution for Commerce Road Sanitary Sewer Extension - Per Benefit Fee, Project No. 15-2260. Motion was made by Drew, second by Modrick and carried to approve.

Resolution # 2017-055  
CONSTRUCTION FEE RESOLUTION FOR COMMERCE ROAD SANITARY SEWER EXTENTION –  
PER BENEFIT FEE  
PROJECT NO. 15-2260

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City’s sewer utility; and

WHEREAS, a 8” sewer main was extended in Commerce Drive per City Project No. 15-2260 and

WHEREAS, the total project cost was \$288,782.28, of which \$166,044.15 is attributable to the sewer main construction that will be allocated on a per property basis; and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8” sewer main shown in City Project No. 15-2260; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$33,208.83 per property to connect to the City’s sewer utility; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$166,044.15 has been collected, or until all benefiting properties

have connected to City sewer, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

Drew read in item (PW062717-05) Authorize Mayor and Finance Officer to Sign a Permanent Utility Easement Agreements with West River Electric Association, Inc. Motion was made by Drew, second by Salamun and carried to approve.

Drew read in item (PW062717-06) Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Agreement between the City of Rapid City and KTM Design Solution, Inc. for St. Cloud Street Reconstruction, Project 15-2279 / CIP No. 50796, in the amount of \$4,145.00. Motion was made by Drew, second by Modrick and carried to approve.

Drew read in item (PW062717-07) Authorize Mayor and Finance Officer to Sign an Amendment to the Agreement between the City of Rapid City and Veolia Environmental Services for the Household Hazardous Waste Collection for \$1,834.48 for additional materials received. Total service for event was 46,025.80. Motion was made by Drew, second by Drury and carried to approve.

Drew read in item (PW062717-08) Authorize Staff to Purchase a Crane Truck for Water Reclamation Utility Maintenance Sanitary Sewer Group from the National Joint Powers Alliance. Total Cost: \$163,325.19. Motion was made by Drew, second by Modrick to approve. In response to a question from Scott, Tech said this was a budgeted item and the old unit is still functioning and will be used by Water Reclamation. Motion passed 9-0.

Drew read in item (17TP010) Approve Rapid City Area Transportation Improvement Program - Draft Report. Motion was made by Drew, second by Salamun and carried to approve.

Drew read in item (PW062717-09) Appeal of Denied Exception Request from Sperlich Consulting on Behalf of Market Square, LLC to Waive Additional Pavement, Curb, Gutter, Sidewalk, Handicap Ramps, Street Light Conduits and Water Main in Creek Drive (City Files 17EX117). Drury said the applicant would like this item continued to the July 11, 2017 Public Works meeting. Motion was made by Drew, second by Laurenti and carried to continue to the July 11, 2017 Public Works meeting.

### **Appeals**

Mayor read in item (CC070317-04.2) Appeal of Denied Security License – Eric Yellow Boy. Mayor stated that the applicant requested the item be continued to the July 17, 2017 meeting due to health reasons. Landeen said its Council's decision what they would like to do, but he suggested continuing per the applicant's request. Motion was made by Scott, second by Laurenti and carried to continue to the July 17, 2017 City Council meeting.

### **PUBLIC HEARING ITEMS** – Items 41 - 43

Brian Sykora spoke on item 42. He stated he has property in the BID district but does not think it should be part of the BID district at all. He thinks the downtown businesses benefit from this assessment but his run down rental property does not benefit and doesn't feel he should have to pay the assessment.

**CONSENT PUBLIC HEARING ITEMS** – Item 41 – 42

The following items were removed from the Consent Public Hearing Items:

- 42. LF062817-13 – Approve Resolution No. 2017-037B a Resolution Levying Assessment for Downtown Business Improvement District 2017

Motion was made by Scott, second by Modrick and carried to approve Item 41 as it appears on the Consent Public Hearing Items with the exception of Item 42.

***Alcohol Licenses***

- 41. 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

***Assessment Rolls***

Mayor read in item (LF062817-13) Approve Resolution No. 2017-037B a Resolution Levying Assessment for Downtown Business Improvement District 2017. In response to a question from Scott, Sumption said the assessment should be done by the end of July. Sumption said there is a process if property owners want to be removed from the BID assessment but it would require an ordinance change. She said the assessment is based on the location and zone the property owner is in. Modrick asked Sykora how much his assessment was and he said it was \$87.00 last year and \$92.00 this year. He said he has owned the property for 25 years. Sykora doesn't think he should have to pay the assessment that the bigger businesses benefit from. He wants council to change the process. Motion was made by Scott, second by Laurenti and carried to approve.

RESOLUTION NO. 2017-037B  
 RESOLUTION LEVYING ASSESSMENT FOR  
 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2017

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the Business Improvement District 2017 is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Business Improvement District 2017 is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 3rd day of July, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

## END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Item 43

Mayor read in item (No. 17RZ021) Second Reading, Ordinance 6185, 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 Lewis, second by Salamun that the title be read the second time. Upon vote being taken the following voted AYE: Drew, Armstrong, Drury, Salamun, Lewis, Scott, Laurenti, Modrick and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6185 was declared duly passed to approve in conjunction with Planned Development Designation – 17PD033, upon its second reading.

**BILLS**

The following bills have been audited.

## BILLIST - JULY 3, 2017

P/ROLL PERIOD END 06/10/17, PD 06/16/17	1,140,660.92
CDEV P/ROLL PERIOD END 06/10/17, PD 06/16/17	4,149.63
PIONEER BANK & TRUST, 06/10/17 P/ROLL TAXES, PD 06/16/17	262,811.40
CDEV PIONEER BANK & TRUST, 06/10/17 P/ROLL TAXES, PD 06/16/17	874.05
SOUTH DAKOTA DEPT OF REVENUE, MAY17 CCTR SALES TAX PAYABLE, PD 06/14/17	37,172.44
WELLMARK INC, HEALTH CLAIMS THROUGH 06/09/17, PD 06/15/17	126,028.80
WELLMARK INC, HEALTH CLAIMS THROUGH 06/16/17, PD 06/22/17	97,659.02
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/18/17, PD 06/20/17	2,575.85
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/26/17, PD 06/27/17	5,472.13
SD RETIREMENT SYSTEM, SPECIAL PAY PLAN-JOHNSON, K, PD 06/16/17	45.00
BANK WEST, TID47 TOWER RD, PD 06/21/17	95,663.03
BANK WEST, TID54 RAINBOW RIDGE, PD 06/21/17	13,784.53
BANK WEST, TID56 RUSHMORE CROSSING, PD 06/21/17	20,354.75
BANK WEST, TID65 MINNESOTA ST, PD 06/21/17	4,374.31
BANK WEST, TID69 NORTH FIRE STATION, PD 06/21/17	49,695.79
CITY OF RAPID CITY, TID39 ANAMOSA/AR GROUP LLC, PD 06/21/17	670.19
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 06/21/17	22,093.85
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 06/21/17	3,877.10
CITY OF RAPID CITY, TID64 CABELA'S, PD 06/21/17	123,635.65
DACOTAH BANK, TID40 GANDOLF, PD 06/21/17	5,261.62
FIRST INTERSTATE BANK, TID39 ANAMOSA/AR GROUP LLC, PD 06/21/17	670.20
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 06/21/17	19,829.20
MARKET SQUARE LLC, TID52 E ST CHARLES ST, PD 06/21/17	13,512.15
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 06/21/17	28,837.05
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 06/27/17	22,340.47
COMPUTER BILL LIST	3,516,980.33
CDEV COMPUTER BILL LIST	6,276.45
SUBTOTAL	5,625,305.91
RSVP, P/ROLL PERIOD END 06/10/17, PD 06/16/17	4,321.07
RSVP, PIONEER BANK & TRUST, 06/10/17 P/ROLL TAXES, PD 06/16/17	990.48
RSVP, COMPUTER BILL LIST	156.31
TOTAL	5,630,773.77

Sumption presented the bill list total of \$5,630,773.77. Motion was made by Laurenti, second by Drew and carried to authorize (No. CC070317-01) the Finance Officer to issue warrants or treasurers checks drawn on proper funds, in payment thereof.

Motion was made by Scott, second by Laurenti and carried to go into Executive Session at 8:11 p.m.

**EXECUTIVE SESSION** to discuss the qualifications, competence, performance character or fitness of a public officer or employee pursuant to SDCL 1-25-2(1).

Motion was made by Lewis, second by Scott and carried to come out of Executive Session at 8:40 p.m.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Scott, second by Drury and carried to adjourn the meeting at 8:40 p.m.

Dated this 3rd day of July, 2017.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Mayor

(SEAL)