

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 21, 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, August 21, 2017 at 7:00 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Lisa Modrick, Becky Drury, Ritchie Nordstrom, Steve Laurenti, Jason Salamun, Chad Lewis, John B Roberts, Amanda Scott, Darla Drew and Laura Armstrong; 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, Police Chief Karl Jegeris, and Interim Administrative Coordinator Sharlene Mitchell

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor Allender presented the Certificate of Appreciation to Rikki Hartupée and thanked her for her work as Intern in the Mayor's Office.

Mayor Allender presented the Proclamation for Suicide Awareness Day and proclaimed September 3, 2017 as Veteran Suicide Day.

GENERAL PUBLIC COMMENT

Eirik Heikes voiced his support for increasing his property taxes to facilitate improving and maintaining infrastructure, schools and recreation facilities.

NON-PUBLIC HEARING ITEMS

CONSENT ITEMS

The following item was removed from the Consent Items:

38. LF081617-01 – Acknowledge June 2017 Sales Tax Report

Motion was made by Laurenti, second by Salamun and carried unanimously to approve Items 3 – 49 as they appear on the Consent Items with the exception of Item 38.

Approve Minutes

3. Approve Minutes for the August 7, 2017 Regular Council meeting.
4. Approve Minutes for the August 7, 2017 Special Council meeting.

Alcoholic Beverage License Applications Set for Hearing (September 5, 2017)

5. MG Oil Company DBA Toby's Casino, 720 East North Street Ste 110 for a Retail (on-off sale) Malt Beverage license TRANSFER from United Food Inc DBA Toby's Casino, 720 East North Street Ste 110
6. MG Oil Company DBA Toby's Casino, 720 East North Street, Ste 100 for a Retail (on-off sale) Malt Beverage license TRANSFER from United Food Inc DBA Toby's Casino 720 East North Street, Ste 100
7. MG Oil Company DBA Toby's Casino Too, 714 Cleveland Street for a Retail (on-off sale) Malt Beverage license TRANSFER from United Food Inc DBA Toby's Casino Too, 714 Cleveland Street

8. MG Oil Company DBA Toby's Casino South, 710 Cleveland Street for a Retail (on-off sale) Malt Beverage license TRANSFER from United Food Inc DBA Toby's Casino South, 710 Cleveland Street
9. Wisdom Inc DBA Country Inn & Suites #2, 2321 N LaCrosse St for a Package (off-sale) Liquor License (Inactive) TRANSFER from Wal-East Development Inc DBA Jackpot Casino Too, 1415 N LaCrosse St #3
10. Wisdom Inc DBA Wisdom Inc, 2205 N LaCrosse St for a Retail (on-sale) Liquor License (Inactive) TRANSFER from Deanos Casino Inc DBA Deanos Casino II, 903 E North St, Ste A
11. Senior Citizens Inc DBA Canyon Lake Senior Center for a SPECIAL EVENT Malt Beverage License and On-Sale Wine License for an event scheduled for October 13, 2017 at 2900 Canyon Lake Drive.
12. Zonta Club of Black Hills DBA Zonta Club of Black Hills for a SPECIAL EVENT off-sale Package Wine Dealer License for an event scheduled for October 5, 2017 at 444 Mt Rushmore Road.
13. Victoria's Garden LLC DBA Victoria's Garden LLC, 320 7th Street for a Package (off-sale) Malt Beverage & SD Farm Wine License
14. MG Oil Co DBA Jackpot Casino West, 2144 Jackson Blvd, Ste 3 for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Chas Inc DBA Jackpot Casino West, 2144 Jackson Blvd
15. MG Oil Co DBA Jackpot West II, 2144 Jackson Blvd, Ste 4 for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Chas Inc DBA Jackpot West II, 2144 Jackson Blvd, Ste 4
16. MG Oil Co DBA Jackpot Casino North, 685 N LaCrosse St, Ste 2-B for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jackpot Casino North, 685 N LaCrosse St
17. MG Oil Co DBA Jackpot Casino II, 685 N LaCrosse St, Ste 2-C for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jackpot Casino II, 685 "C" LaCrosse St
18. MG Oil Co DBA Jackpot Casino III, 685 N LaCrosse St, Ste 2-D for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jackpot Casino III, 685 "D" LaCrosse St
19. MG Oil Co DBA Jackpot Casino Too, 1415 N LaCrosse St, Ste 3 for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jackpot Casino Too, 1415 N LaCrosse St, #3
20. MG Oil Co DBA Jackpot Casino Too #2, 1415 N LaCrosse St, Ste 3-B for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jackpot Casino Too #2, 1415 N LaCrosse St, #3B
21. MG Oil Co DBA Jokers Casino South, 1320 Mt Rushmore Rd, Ste C-1 for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jokers Casino South, 1320 Mt Rushmore Rd, #C1
22. MG Oil Co DBA Jokers Casino South II, 1320 Mt Rushmore Rd, Ste C-2 for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jokers Casino South II, 1320 Mt Rushmore Rd, Ste C2
23. MG Oil Co DBA Jokers Casino South III, 1320 Mt Rushmore Rd, Ste B for a Retail (on-off sale) Malt Beverage license with Video Lottery TRANSER from Wal-East Development Inc DBA Jokers Casino South III, 1320 Mt Rushmore Rd, #B

Public Works Committee Consent Items

24. PW081517-01 – Approve Change Order #1F to Complete Concrete, Inc. DBA Complete Contracting Solutions for 2017 Street Patching Project, Project No. 16-2354 / CIP No. 50844 for an increase of \$19,644.16.
25. PW081517-02 – Approve Change Order #1F to Complete Concrete, Inc. for 2016 Miscellaneous Improvements, Project No. 15-2308 / CIP No. 50298 for an increase of \$12,901.27.

26. PW081517-03 – Authorize Staff to Advertise for Bids for Parkview ASA Bathroom-Concessions, Project No. 17-2393. Estimated Cost: \$200,000.00.
27. PW081517-04 – Authorize Mayor and Finance Office to Sign an Agreement between the City of Rapid City and Skyline Engineering, LLC for Construction Phase Professional Services for Well No. 9 Electrical Improvements, Project No. 16-2365 / CIP No. 51145 in the amount of \$7,965.00.
28. PW081517-05 – Authorize Mayor and Finance Office to Sign an Agreement between the City of Rapid City and Dakota Pump, Inc. for WRF Potable Water Improvements Supervisory Control and Data Acquisition (SCADA) Integration; Project No. 15-2266 / CIP No. 51079 in the amount of \$22,938.00.
29. PW081517-06 – Authorize Mayor and Finance Office to Sign Resolution No. 2017-072 a Construction Fee Resolution for Country Road & 143rd Avenue Water Transmission Main Extension Low Level - Oversize, Project No. 14-2174.

Resolution # 2017-072

CONSTRUCTION FEE RESOLUTION FOR COUNTRY ROAD & 143RD AVENUE WATER
TRANSMISSION MAIN EXTENSION LOW LEVEL – OVERSIZE PROJECT NO. 14-2174

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

WHEREAS, 12" and 16" water mains were extended in 143rd Avenue and Country Road, per City Project No. 14-2174; and

WHEREAS, the City's total cost of constructing the water mains were \$1,842,673.45; of which \$379,040.47 is for the 12" and 16" oversize cost included in this construction fee and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 12" and 16" water mains shown in City Project No. 14-2174; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$409.59 per acre to connect to the City’s water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall be split between the Utility Support Fund and the Water Enterprise Fund, on a ratio of 36% to be paid to the Utility Support Fund and 64% to be paid to the Water 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 \$379,040.47 has been collected, or until all benefiting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 30. PW081517-07 – Authorize Mayor and Finance Office to Sign Resolution No. 2017-073 a Construction Fee Resolution for Country Road Water Transmission Main Extension North Rapid High Level - Oversize, Project No. 14-2173.

Resolution # 2017-073
CONSTRUCTION FEE RESOLUTION FOR COUNTRY ROAD WATER TRANSMISSION MAIN
EXTENSIONS NORTH RAPID HIGH LEVEL - OVERSIZE PROJECT NO. 14-2173

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

WHEREAS, 12” and 16” water mains were extended in Country Road, and W. Nike Drive per City Project No. 14-2173; and

WHEREAS, the City’s total cost of constructing the water mains were \$1,842,673.45; of which \$45,795.78 is for the 12” and 16” oversize cost included in this construction fee and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 12” and 16” water mains shown in City Project No. 14-2173; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$343.17 per acre to connect to the City’s water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the Water 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 \$45,795.78 has been collected, or until all benefitting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 31. PW081517-08– Authorize Mayor and Finance Office to Sign Resolution No. 2017-074 a Construction Fee Resolution for Country Road & 143rd Avenue Water Transmission Main Extension - Frontage, Project No. 14-2173 and 14-2174.

Resolution # 2017-074
CONSTRUCTION FEE RESOLUTION FOR COUNTRY ROAD AND 143RD AVENUE WATER
TRANSMISSION MAINS - FRONTAGE
PROJECT NO. 14-2173 AND 14-2174

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

WHEREAS, water mains were extended in Country Road and 143rd Avenue per City Project No. 14-2173 and 14-2174 and

WHEREAS, the City’s total cost of constructing the water mains were \$1,842,673.45; of which \$1,382,834.05 is associated with this construction fee and

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the equivalent of an 8” water main shown in City Project No. 14-2173 and 14-2174; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$54.58 per front footage to connect to the City’s water utility; and

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

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$1,382,834.05 has been collected, or until all benefiting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 32. PW081517-09 – Direct Staff to Create an H-Lot for Highway Purposes in the South 78-5 Feet of the West 98.5 Feet of Block 31, Airport Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more commonly known as 248 Curtis Street.
- 33. PW081517-10 – Authorize Staff to Seek Proposals for Professional Consulting Services for Landfill Environmental Monitoring for a five-year period, Project No. SW09-2017.
- 34. PW081517-13– Authorize Mayor and Finance Officer to Sign an Agreement with the State of South Dakota Department of Transportation Transferring Funding for High Priority Project Funds

for Project SD150 East Anamosa Street Extension to East/North and Lacrosse Street Road and Bridge.

- 35. PW081517-12 – Deny the Request from Rapid City Area School District 51-4 for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 Along Enchanted Pines Drive for proposed Tract 1 of Block 3 PLM Subdivision.

Legal & Finance Committee Consent Items

- 36. LF081617-09 – Confirm the Appointment of Mary Garrigan to the Rapid City Library Board of Trustees
- 37. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Charlotte Baak (RSVP+), Jeffrey Saline (Police Department), Scott Jungck (Police Department), Mike Altstiel (Police Department), Brenna Schafer (Library),
- 39. LF081617-07 – Approve Resolution No. 2017-071A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2017-071A
 RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL FOR
 CLEANUP OF MISCELLANEOUS PROPERTY

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

- 1. The Assessment Roll for Cleanup of Miscellaneous Property was filed in the Finance Office on the 21st day of August, 2017. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 18th day of September, 2017 at 6:30 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time, and place of hearing thereon; that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her, or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 40. LF081617-11 – Approve Resolution No. 2017-075 a Resolution of Intent to Enter into Lease of Property with Black Hills Visitor Information Center Development Corporation Pursuant to SDCL 9-12-5.2

Resolution No. 2017-075

A RESOLUTION OF INTENT TO ENTER INTO LEASE OF PROPERTY WITH BLACK HILLS VISITOR INFORMATION CENTER DEVELOPMENT CORPORATION PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the Common Council of the City of Rapid City that the City of Rapid City intends to enter into a lease of real property with Black Hills Visitor Information Center Development Corporation, which property is described as follows:

Lot 1R of Tract 3 of Discovery Subdivision, Rapid City, Pennington County, South Dakota, commonly known as 1851 Discovery Circle.

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 6:30 p.m., on the 5th day of September, 2017, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may approve a lease upon the terms and conditions as it shall determine.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 41. LF081617-02 – Authorize Mayor and Finance Officer to Sign Local Governing Body Approval Form for Black Hills Work’s HOME Funds Application
- 42. LF081617-03 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract with Canyon Lake Senior Center
- 43. LF081617-04 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract with Cornerstone Rescue Mission
- 44. LF081617-05 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract with Lutheran Social Services – New Alternatives Program
- 45. LF081617-06 – Authorize Mayor and Finance Officer to Sign Local Governing Body Approval Form for Black Hills Work’s South Dakota Housing Opportunity Funds (SD HOF) Application
- 46. LF081617-10 – Authorize Mayor and Finance Officer to Sign FY2016 Community Development Block Grant Contract with Saint Isaac Jogues Church – Mother Butler Center
- 47. LF081617-13 – Approve Resolution No. 2017-076 a Resolution Approving a Deed of Revocation Revoking Restrictive Covenants on Land Generally Located at 213, 207 and 205 North Berry Pine Road

RESOLUTION APPROVING REVOCATION OF COVENANTS ON PRIVATE PROPERTY GENERALLY LOCATED AT 205, 207 & 213 N. BERRY PINE ROAD PURSUANT TO SDCL 11-5-6.

WHEREAS, the owners of the properties generally located at 205, 207, and 213 North Berry Pine Road in Rapid City desire to revoke the restrictive covenants on their properties; and

WHEREAS, these properties are legally described as:

Lots 16, 17, 18, 19 of Lot H, and Lots 21, 22, 24, 25, all being located in Berry Pines Subdivision, being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 2 North, Range 7 East, B.H.M., as shown by that certain plat thereof as filed on June 15, 1955 at 4:00 p.m. in Book 6 of Plats at Page 99 in the Office of the Register of Deeds of Pennington County, South Dakota; and

Tracts 1 and 2 of Neisen Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly all of Lot E and Lot b of Berry Pines Subdivision; Lot F of Berry Pines Subdivision; Lot A of Lot 17, and Lot 24 of a portion of Lot H and of vacated right-of-way in Berry Pines Subdivision; and Lots 18, 19, 21 and 22 of a portion of Lot H and vacated right-of-way in Berry Pines Subdivision, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

Lot L of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot D, Lot (a) of Lot E, Lot 25, Lot B of Lot 17 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

Lot K of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot C, Lot 26, Lot 16 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota); and

WHEREAS, the restrictive covenants in question were placed on the property in 1955; and

WHEREAS, the restrictive covenants that the property owners seek to have removed regulate the uses and types of structures allowed on the property; and

WHEREAS, now that these properties are within the City limits the City's zoning and land use ordinances effectively regulate the areas covered by the restrictive covenants; and

WHEREAS, under South Dakota law a restrictive covenant is only effective for a maximum period of twenty-five years; and

WHEREAS, even though these restrictive covenants have expired by operation of law, the owners of the property desire to have them formally revoked; and

WHEREAS, under SDCL 11-5-6 the City needs to approve the revocation of the restrictive covenants; and

WHEREAS, City staff supports the requested revocation.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the City hereby approves the Deed of Revocation removing the restrictive covenants which were filed on June 21, 1955, for the above described properties.

Dated this 21st day of August, 2017.

CITY OF RAPID CITY
s/ Steve Allender

Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

(SEAL)

48. LF081617-08 – Approve Request for an Extension of the Completion Date for Disabled American Veteran’s Flag Pole Vision Fund Project.

Bid Award Consent Items

49. CC082117-02.1 - Approve award of total bid for Well No. 9 Electrical Improvements, Project No. 16-2365 / CIP No. 51145 opened on August 15, 2017 to the lowest responsible bidder Swiftec, Inc. in the amount of \$68,321.00.

END OF CONSENT ITEMS

In response to a question from Drew, Sumption clarified the formulas utilized to generate both the By-Year and By-Month calculations provided in the Sales Tax Report. Motion was made by Nordstrom, second by Lewis to Acknowledge (LF081617-01) June 2017 Sales Tax Report. In response to a question from Scott, Sumption advised that revenue receipts are subject to the remittance timeframe of the businesses. In response to a question from Salamun, Sumption advised that the Amazon sales taxes cannot be identified individually noting that the Amazon third party vendors do not collect sales taxes. Motion carried unanimously.

NON-CONSENT ITEMS

Kale McNaboe (PW081517-11) addressed the location and length of the existing water main adjacent to the subject property. McNaboe addressed the physical and financial impact of the dead-end water main policy on the development. McNaboe outlined the engineering issues associated with the construction of the loop main to Philadelphia Street noting that the subject lot does not front on Philadelphia Street. McNaboe indicated that the water main loop would be completed at the time the south lot platted.

Ordinances

No. 17RZ023 - First Reading, Ordinance 6190, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Sperlich Consulting, Inc for J and D Capital LLC for a **Rezoning from General Agricultural District to Light Industrial District** for property generally described as being located southeast of the intersection of N. Plaza Drive and Fountain Plaza Drive. Motion was made by Salamun, second by Drew and carried that Ordinance No. 6190 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 5, 2017.

Community Planning & Development Services Department Items

Motion was made by Lewis, second by Nordstrom and carried to Approve (No. 17PL072) A request by D.C. Scott Surveyors, Inc for Patrick and Amie Rose for a **Preliminary Subdivision Plan** for proposed lot 23A, Lot 23B and Lot 23C of Block 7 of Eastern Acres Subdivision, generally described as being located at the east end of Shaw Court with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, 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 Leroy Street shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk and street light conduit or an Exception shall be obtained. In addition, the plat document shall be revised to show the dedication of one additional foot of right-of-way along Leroy Street or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved

Exceptions shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, additional information regarding water and sewer service to proposed Lots 23A and 23B shall be submitted for review and approval. In addition, information verifying that water and sewer mains installed in Leroy Street and Shaw Court are acceptable to Rapid Valley Sanitary District shall be provided. If improvements are needed, then upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval; 4. Prior to submittal of a Final Plat application, the plat document shall show the existing 20 foot wide irrigation easement located along the north property line of proposed Lot 23A. If the easement has been vacated, then the plat document shall show the vacation information; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to add the standard Major Drainage Easement note for access, maintenance and obstructions; 6. Prior to submittal of a Final Plat application, the plat document shall be revised to provide two signature lines for the Certificate of Highway or Street Authority to allow the Pennington County Highway Department and the Road District for Shaw Court to sign; 7. Prior to submittal of a Final Plat application, verification shall be provided to show that the Road District for Shaw Court is in agreement with Lots 23A and 23B utilizing Shaw Court for access; 8. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 11. 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.

Motion was made by Drew, second by Nordstrom and carried to Approve (No. 17PL075) A request by Fisk Land Surveying and Consulting Engineers, Inc for Markus and Ann Haubrich for a **Preliminary Subdivision Plan** for Lots 1 and 2 of Old Folsom Subdivision, generally described as being located at 7756 Old Folsom Road with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show a bearing and distance on the west property line of proposed Lot 1; 2. Prior to submittal of a Final Plat application, the plat document shall be revised to clarify the area of right-of-way being dedicated along Old Folsom Road; 3. Upon submittal of a Final Plat application, well testing data shall be provided demonstrating that potable water is present; 4. Upon submittal of a Final Plat application, documentation shall be provided showing that proposed Lot 1 has a compliant on-site wastewater treatment system; 5. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following statement: "Prior to obtaining a permit or constructing any structure; petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a qualified person shall be submitted and approved by the City of Rapid City or Pennington County, whoever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified person to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations."

Motion was made by Lewis, second by Modrick and carried to Approve (No. 17PL080) A request by Richard Sommer for Discount Tire for Todd Mosher of R.A. Smith National, Inc. for a **Preliminary Subdivision Plan** for proposed Lot B-1 of Menards Subdivision, generally described as being located across from Menards on N. Creek Drive 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; 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 Menard Drive (Camden Drive) shall be submitted for review and approval showing the street 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 document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans providing a dual water main in East North Street shall be submitted for review and approval 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; 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; 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; 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. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 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 show "Menard Drive" as "Camden Drive"; 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

Motion was made by Drew, second by Roberts to Authorize (LF081617-12) Mayor and Finance Officer to Sign Third Amendment to the Ground Lease with Lester Hospitality and Sign Ground Lease Estoppel Certificate and Agreement between City and Lester Hospitality – Rapid City and Great Western Bank. Landeen advised that the addition of the Estoppel Agreement complies with state statute requirements. Landeen indicated that the document is required for the closing which has been scheduled for September 1, 2017. Landeen indicated that the City Attorney's Office does not have issue with the Estoppel document noting that delaying approval could result in potential harm to Lester Hospitality. Motion to approve carried unanimously.

Public Works Committee Items

Motion was made by Modrick, second by Lewis to Approve (PW081517-11) Exception Request from Sperlich Consulting on Behalf of Creek Drive, LLC to Allow the Use of a Dead-End Water Main Longer

Than 1,200 feet in East Anamosa Street (City File 17EX134). In response to a question from Scott, Tech stated that city policy does not permit dead end water mains in excess of 1200 feet. Tech advised that the proposed development will extend the dead end water main to a length of 1600 feet prompting the criteria for a loop main from E Philadelphia Street. Tech stated that the applicant must extend the water main the full length of the platted lot. In response to a question from Scott, Tech outlined an alternative option that would place the water main in an easement across private property noting that staff could not support the option. In response to a question from Nordstrom, Tech advised that the criteria language specifies that dead end water mains in excess of 1200 feet are prohibited noting the joint effort of staff, council and private developers and engineers to develop the policy. Tech stated that staff cannot recommend approval of the exception. Nordstrom advised that he would oppose the exception noting that the loop main would address area fire suppression and water supply needs. In response to a question from Lewis, McNaboe addressed the expense and engineering requirements to construct the loop main from Philadelphia Street noting the adverse impact the additional expense will have on the viability of the project. McNobe advised that upon platting of the southern lot, lying adjacent to Philadelphia Street, the loop main would be installed noting that platting of the lot would occur only upon the sale of the property. Lewis voiced his opinion on the importance of the proposed development noting that he would support the exception. In response to a question from Roberts, McNobe addressed the size of the water mains in the immediate area noting his opinion that the available water pressures are sufficient to address fire suppression issues. In response to a question from Modrick, Tech advised that water protection services would be the main reason for the 1200 foot dead end water main prohibition noting the impact on fire protection services should there be a break in the existing main. Modrick addressed the development occurring in the area and encouraged the council to be builder friendly. In response to a question from Salamun, McNobe advised that the business activity will be industrial in nature noting that the structure will be fire sprinkled and fire hydrants will be located at both ends of the property. In response to a question from Nordstrom, McNobe addressed the ownership of the properties abutting E Anamosa and E Philadelphia streets. In response to a question from Roberts, McNobe advised that an easement would be required from another property owner in order to facilitate the water main loop along E Philadelphia Street. Upon vote being taken, the following vote AYE: Modrick, Roberts, Armstrong, Lewis and Salamun; NO: Nordstrom, Drew, Scott, Drury and Laurenti (5-5). Mayor Allender expressed his opinion that assurances should be provided to insure that the private development infrastructure costs do not fall on the tax payers. Mayor Allender voted AYE to break the tie and the motion carried.

PUBLIC HEARING ITEMS

CONSENT PUBLIC HEARING ITEMS

Motion was made by Scott, second by Roberts and carried unanimously to approve Items 56 – 60 as they appear on the Consent Public Hearing Items.

Alcohol Licenses

56. West Boulevard Neighborhood Association for a SPECIAL EVENT Malt Beverage and On-Sale Wine license for an event scheduled for August 26, 2017 at the intersection of Fulton and West Blvd, 1115 West Boulevard
57. Lu Shun LLC DBA Lu Shun LLC (Imperial), 702 E North Street for a Retail (on-off sale) Malt Beverage License TRANSFER from Rui Feng Inc DBA Rui Feng Inc, 702 E North Street
58. Lu Shun LLC DBA Lu Shun LLC (Imperial), 702 E North Street for a Retail (on-off sale) Wine License TRANSFER from Rui Feng Inc DBA Rui Feng Inc, 702 E North Street
59. Lu Shun LLC DBA Lu Shun LLC (Great Wall), 315 E North Street for a Retail (on-off sale) Malt Beverage License TRANSFER from Rui Feng Inc DBA Rui Feng Inc, 315 E North Street
60. Lu Shun LLC DBA Lu Shun LLC (Great Wall), 315 E North Street for a Retail (on-off sale) Wine License TRANSFER from Rui Feng Inc DBA Rui Feng Inc, 315 E North Street

BILLS

BILL LIST - AUGUST 21, 2017

P/ROLL PERIOD END 08/05/17, PD 08/11/17	1,072,617.81
CDEV P/ROLL PERIOD END 08/05/17, PD 08/11/17	3,763.57
PIONEER BANK & TRUST, 08/05/17 P/ROLL TAXES, PD 08/11/17	257,638.58
CDEV PIONEER BANK & TRUST, 08/05/17 P/ROLL TAXES, PD 08/11/17	938.66
WELLMARK INC, HEALTH CLAIMS THROUGH 08/04/17, PD 08/10/17	195,530.75
WELLMARK INC, HEALTH CLAIMS THROUGH 08/11/17, PD 08/17/17	146,615.58
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/07/17, PD 08/08/17	3,916.16
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/14/17, PD 08/15/17	4,968.13
WEST RIVER ELECTRIC ASSOCIATION ELECTRICITY, PD 08/16/17	32,375.33
BLACK HILLS ENERGY, ELECTRICITY, PD 08/16/17	434.72
COMPUTER BILL LIST	3,575,989.36
CDEV COMPUTER BILL LIST	214.38
SUBTOTAL	5,295,003.03
RSVP, P/ROLL PERIOD END 08/05/17, PD 08/11/17	3,347.23
RSVP, PIONEER BANK & TRUST, 08/05/17 P/ROLL TAXES, PD 08/11/17	985.67
RSVP, COMPUTER BILL LIST	17.42
TOTAL	5,299,353.35

Sumption presented the bill list total of \$5,299,353.35. Motion was made by Salamun, second by Laurenti and carried to authorize (No. CC082117-01) 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 Roberts, second by Scott and carried to adjourn the meeting at 7:51p.m.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)