

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

September 5, 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 Tuesday, September 5, 2017 at 7:00 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Amanda Scott, Darla Drew, Ritchie Nordstrom, Lisa Modrick, Jason Salamun, Chad Lewis, Laura Armstrong, Steve Laurenti, and Becky Drury the following Alderpersons arrived during the course of the meeting: John Roberts; 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, Interim Fire Chief Rod Seals, Deputy Finance Officer Tracy Davis, Parks and Recreation Director Jeffrey Biegler and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor presented the Proclamation for Childhood Cancer Awareness Month to Melanie Barclay, Regional Director of Make-A-Wish South Dakota.

Mayor presented the Proclamation for Photography Month to Pepper Massey, Executive Director of the Dahl Fine Art Center.

GENERAL PUBLIC COMMENT

Gena Parkhurst, leader of the Black Hills Chapter of Daughters of the American Revolution, addressed the Council. She said Constitution week is traditionally celebrated September 17-23 annually. She thanked Mayor Allender for signing the proclamation for Constitution week. Anyone wanting more information please visit the website at www.dar.org.

NON-PUBLIC HEARING ITEMS -- Items 3 - 50

CONSENT ITEMS – Items 3 - 33

The following items were removed from the Consent Items:

26. LF083017-01 – Acknowledge July 2017 General Fund Cash Balance Report.

Motion was made by Lewis, second by Laurenti and carried unanimously to approve Items 3-33 as they appear on the Consent Items with the exception of Item 26.

Approve Minutes

3. Approve Minutes for the August 21, 2017 Regular Council meeting.
4. Approve Minutes for the August 15, 2017 Special Council meeting.
5. Approve Minutes for the August 17, 2017 Special Council meeting.
6. Approve Minutes for the August 21, 2017 Special Council meeting.
7. Approve Minutes for the August 24, 2017 Special Council meeting.

Vacations of Right-Of-Way Set for Hearing (October 2, 2017)

8. 17VR006 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Northwestern Engineering for a **Vacation of Right of Way** for property generally described as being located at 1130 Pine Hills Drive.

Alcoholic Beverage License Applications Set for Hearing (September 18, 2017)

- 9. Dakota Slice LLC DBA Blaze Pizza, 515 Mt View Rd for a Retail (on-off sale) Malt Beverage License
- 10. Dakota Slice LLC DBA Blaze Pizza, 515 Mt View Rd for a Retail (on-off sale) Wine License
- 11. Frankie’s LLC DBA Thirsty’s, 819 Main St for a Retail (on-off sale) Malt Beverage License
- 12. NAJA Shrine Temple DBA Rapid City Shrine Ctr., for a SPECIAL EVENT On-Sale Dealer License for an Event Scheduled for October 14, 2017 at 4091 Sturgis Road

Public Works Committee Consent Items

- 13. PW082917-01 – Approve Change Order #1 to Scull Construction Services for Fire Station 5 Improvements, Project No. 2073 / CIP No. 51158 for an increase of \$20,614.84.
- 14. PW082917-02 – Approve Change Order #1F to Mainline Contracting, Inc. for East St. James Water Main Loop, Project No. 16-2346 / CIP No. 50917 for an increase of \$13,640.00.
- 15. PW082917-04 – Authorize Mayor and Finance Officer to Sign a Construction Agreement with Black Hills Energy for removal and replacement of existing electrical facilities for East Idaho Street, East Nevada Street, Ivy Avenue – Street and Utility Reconstruction, Project No. 15-2253 / CIP No. 50421.3-1B in the amount not to exceed \$6,000.00.
- 16. PW082917-05 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and HDR Engineering, Inc. for Professional Construction Administration Services for Water Reclamation Facility (WRF) Process Reliability Improvements, Project No. 16-2342 / CIP No. 51141 in the amount of \$79,911.00.
- 17. PW082917-06 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and FMG, Inc. for Design Professional Services for the Omaha Trunk Sewer – First Street to Maple Avenue, Project No. 16-2353 / CIP No. 50878 in the amount of \$110,095.00.
- 18. PW082917-07 – Authorize Mayor and Finance Officer to Sign Resolution No. 2017-079 a Construction Fee Resolution for Prairie Meadows Subdivision, Phase 3 Water Main Oversizing, Project No. DEV15-1215.

Resolution # 2017-079
 CONSTRUCTION FEE RESOLUTION FOR PRAIRIE MEADOWS SUBDIVISION, PHASE 3 WATER
 MAIN OVERSIZING
 PROJECT DEV15-1215

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, a 12” water main was extended in Giants Drive and Marino Drive per Development Project No. DEV15-1215 and

WHEREAS, the water oversize cost of constructing this water main was \$17,436.00; 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” water main shown in City Project No. DEV15-1215; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$466.20 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 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 \$17,436.00 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 5th day of September, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 19. PW082917-09 – Approve Acceptance of Infrastructure for Parkview Estate Townhouses, Hanover Drive – DEV13-1132.
- 20. PW082917-10 – Authorize Staff to Seek Proposals for Professional Services for Disk Drive and Haines Avenue Intersection. Project No. 16-2347 / CIP No. 51121.
- 21. PW082917-11 – Authorize the Mayor and Finance Officer to sign an Exclusive Beverage Agreement Between the City of Rapid City and Coca Cola Bottling Company High Country for Parks and Recreation facilities.
- 22. PW082917-03 – Authorize Staff to Advertise for Bids for 2017 Out of the Dust, Project No. 17-2392 / CIP No. 50297. Estimated Cost: \$100,000.00.

- 23. PW082917-08 – Acknowledge updated Advertising Authority for the West Chicago Street Utilities Reconstruction, Project No. 12-2022 / CIP No. 50448, PCN X02Q, being bid in conjunction with the South Dakota Department of Transportation project P0231(12)80 PCN 02R5.
- 24. PW082917-12 – Authorize staff to purchase one Joined Cantilever Hip—Skyway Shade Structure from Dakota Playground (NJPA Award Contract No. 030117-LSI) in the amount of \$38,500 which includes the necessary materials, labor and equipment to install the shade structure at the Sioux Park Tennis Complex.

Legal & Finance Committee Consent Items

- 25. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Rob Bailey (RSVP+), Vicki Dirks (RSVP+), Mary Gummo (RSVP+)
- 27. LF083017-02 – Approve Resolution No. 2017-077 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2017-077
 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: Cemetery (860)

For trade:

eXmark Metro 21 push mower, Model M216KASPC, SN 346251

eXmark Metro 21 push mower, Model M216KASPC, SN 346259

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 5th day of September, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Pauline Sumption

Finance Officer

(SEAL)

- 28. LF083017-04 – Authorize Mayor and Finance Officer to Sign FY2017 Community Development Block Grant Contract with Behavior Management Systems, Inc.
- 29. LF083017-05 – Authorize Mayor and Finance Officer to Sign FY2017 Community Development Block Grant Contract with Pennington County Health and Human Services

30. LF083017-06 – 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 – 803 Soo San Drive

Bid Award Consent Items

31. CC090517-02.1 - Approve award of total bid for Chief Drive – Pavement Rehabilitation Project, Project No. 17-2360 / CIP No. 50549 opened on August 29, 2017 to the lowest responsible bidder, J & J Asphalt in the amount of \$177,582.55
32. CC090517-02.2 - Approve award of total bid for Main Street Water Valve & Concrete Repair Project 2nd Street to East Boulevard, Project No. 17-2390 / CIP No. 50705 opened on August 29, 2017 to the lowest responsible bidder, Complete Concrete, Inc. in the amount of \$209,180.00.
33. CC090517-02.3 – Approve award of total bid for Roosevelt Ice Arena Roof Top Unit Replacement Project No. PR17-6159 opened on August 29, 2017 to the lowest responsible bidder, Climate Control System and Services LLC in the amount of \$51,275.00

END OF CONSENT ITEMS

Mayor read in item (LF083017-01) Acknowledge July 2017 General Fund Cash Balance Report. In response to a question from Scott, Sumption said the second payment from the state for July did not come in until August. First payment was \$1,113,928.00 and second payment was \$2,094,539.00. Sumption said the due dates changed per state statute. Sumption confirmed that going forward the city would likely receive around \$2 million for the month of August.

NON-CONSENT ITEMS – Items 34 – 50

Mike Pennel, homeowner, spoke regarding item 17RZ025. (He got a letter that this item was on this agenda but it was continued to the October 5, 2017 Planning Commission meeting.) He's worried about water drainage issues. He heard there are 28 homes proposed. He is concerned with fire danger with one way in and out. He feels the city is only concerned with revenue generated from the homes. Gregory Covey came to speak on the same item but the item was not on this agenda.

Tonchi Weaver, (LF083017-08) asked that this item be put on the ballot for the citizens of Rapid City to vote on it. She said income is not going up at the rate that taxes and fees are. She stated if the increase gets approved, she and some volunteers will refer it on the ballot. Daniel Mulally spoke to the Council about the same item. He owns rental properties in Rapid City. He said landlords collect taxes for the government. He said since rentals are non-owner occupied, they are taxed higher anyway. He is against raising the property taxes.

Jerry Munson, (CC081517-01) urged the council to keep the RSVP program. He suggested cutting one HR position and use that money to fund the RSVP program. Mark Kline spoke in favor of the RSVP program. He would like the program to be reinstated.

Lloyd Sohl, (LF083017-08) is against raising property taxes. Curt Pochardt was called but was not there to speak on the budget.

Ray Patterson (CC090517-04.1) addressed Council and said he wanted to appeal the denial of his security license.

Community Planning & Development Services Department Items

Motion was made by Lewis, second by Drew and carried to Approve (17PL082) A request by D.C. Scott Surveyors, Inc for James Muellenberg for a **Preliminary Subdivision Plan** for proposed Lot 1 and Lot 2 of Little A & M Subdivision, generally described as being located at 1080 Kennel Drive with the following

stipulations: 1. 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; 2. Upon submittal of a Development Engineering Plan application, construction plans for Centre 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. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Kennel Drive 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 show the dedication of 9.25 additional feet of right-of-way or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans showing the extension of a public sanitary sewer main either in the centerline of Kennel Drive up to Centre Street or on proposed Lots 1 and 2, west of the 53 foot wide electric transmission easement up to Centre Street shall be submitted for review and approval. If the sewer is proposed to be extended on Lots 1 and 2, then the sewer shall be located in a minimum 20 foot wide sanitary sewer easement dedicated to the City; 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. Upon submittal of a Development Engineering Plan application, a complete parking plan for the existing use(s) on proposed Lot 2 shall be provided to ensure that sufficient parking in compliance with the City's Parking Regulations is being provided; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 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. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Motion was made by Scott, second by Drew and carried to Approve (17PL087) A request by KTM Design Solutions, Inc. for a **Preliminary Subdivision Plan** for Lot 14R of Block 22 of Red Rock Estates, generally described as being located lying west of Bandon Lane with the following stipulation: Upon submittal of a Final Plat application, the plat document shall be revised to show the dedication of ½ foot of additional right-of-way along Bandon Lane or an Exception shall be obtained. If an Exception is obtained, the approved Exception document shall be submitted with the Final Plat application.

Legal & Finance Committee Items

Motion was made by Scott, second by Laurenti to deny (LF083017-08) Resolution No. 2017-080 a Resolution of Intent to Take the Statutorily Authorized Increase in Property Tax Revenue as Part of the Annual Appropriation Ordinance for 2018 Fiscal Year. In response to a question from Modrick, Sumption said this would allow the city to include the \$161,405.00 in our ordinance and in the levy request to the county. If property taxes are the same during 2017 as they were in 2016 that would equate to \$3.20 per \$100,000 of valuation on an annual basis. Sumption said the last time the city took the CPI was for the budget year of 2016. Sumption said it's a combination of what the evaluation is and what our request is, that determines the mill levy. Until you have all of the information, you won't know what the mill levy will be. (Roberts left the meeting at 6:42 p.m.) In response to a question from Laurenti, Sumption said the city doesn't reduce property taxes if there is a negative CPI. Scott said property taxes are made up of three portions: school, city and county. She looks at all three parts when voting for the increase. She said government has the option to claw back, which means they can use the CPI from previous years if they didn't take it. She is voting against the CPI because of the totality of the budget. She said the expenses increased for 2018 by 4% over last year and 11% from 2016 to 2017, that's an increase in 11% over the last two years. Drew said cities grow and so do budgets. There is a cost incurred with growth. She would rather take a little bit now rather than a lot later. She appreciates the progressive path that Rapid City is on. She will vote for the increase. Upon vote being taken the motion to deny failed 4-5 with the following voting AYE: Scott, Salamun, Laurenti and Drury; NO: Drew, Nordstrom, Modrick, Lewis and Armstrong. Motion was made by Modrick, second by Nordstrom to approve. Laurenti called attention to alderperson's voting for tax increase. Laurenti encourages groups to put this vote on a ballot. He believes this is bad government. He doesn't believe the City got their return on the priority based budgeting software. He doesn't blame the software, he blames the Council. Modrick said they are operating the city as a business. If costs are going up at home, they are also going up at work and for the city. In response to a question from Modrick, Sumption said a special election would cost around \$60,000. Modrick said the increase in property taxes will cover the \$161,000 shortfall and a special election would cost \$60,000 in addition to what they are already short in their budget. Modrick urged citizens to shop local so our taxes go to our city. Modrick said the \$3.20 per \$100,000, is today's investment for tomorrow. Drury said she agrees that costs go up and those costs should have been included when budgets came forward. She believes there is a difference between a need and a want and she doesn't believe this property tax increase is a need. Lewis stated that prior to 2011 the CPI was always included in the budget. The price of gas, tires, everything goes up. If they don't budget for this ahead of time, then they are not budgeting responsibly. The people want the same services for less money. Lewis asked that council members don't attack each other on how they vote. He said government is not designed to be revenue generating machine. Nordstrom said he sees the increased calls for ambulance service and more need for street improvements. He said his own property taxes have gone up 45% in the last ten years. He thinks communities need to take care of their progressiveness at the front end. Laurenti said the Council can't live within 4.5% increases each year. Sales tax increases are over 2% this year. Laurenti said he's not attacking anyone. It's reality that they can't budget within their means. Salamun said he is against the increase. He believes the \$3.20 would go further with the people than with the Council. Drew said a lot of people don't see what is happening, behind the scenes in the community. The Council is looking at global problems like meth use, collective impact projects, and homelessness. Some of this money will go towards those issues. The Council has to look at all the problems and all the growth and do what's best for Rapid City. Upon vote being taken the motion to approve passed 5-4 with the following voting AYE: Drew, Nordstrom, Modrick, Lewis and Armstrong; NO: Scott, Salamun, Laurenti and Drury.

Resolution 2017-080

RESOLUTION OF INTENT TO TAKE THE STATUTORILY AUTHORIZED
INCREASE IN PROPERTY TAX REVENUE AS PART OF THE ANNUAL APPROPRIATION
ORDINANCE FOR THE 2018 FISCAL YEAR

WHEREAS, SDCL 10-13-35 limits cities ability to increase the revenue collected from property taxes in their annual budgets; and

WHEREAS, pursuant to state law, the City of Rapid City may only increase the revenue collected from property taxes by the amount of growth and by the amount of the Consumer Price Index (CPI) or 3% whichever is less; and

WHEREAS, the City may choose to take all of the statutorily authorized increase in property taxes, may choose to take part of the increase, or may choose to forego any increase in property taxes as part of its annual appropriation ordinance; and

WHEREAS, the City adopted Resolution No. 2012-004, which requires the City Council to approve a resolution that informs the community that the City intends to take the statutorily authorized increase in property taxes as part of the City’s annual appropriation ordinance prior to second reading of the ordinance; and

WHEREAS, the City is allowed by state law to take a 1% increase in property taxes for 2018 which equals approximately \$161,405 in additional property tax revenue; and

WHEREAS, the City budget for 2018 includes the statutorily authorized increase in property taxes to account for inflation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rapid City intends to take the statutorily authorized increase in property taxes of 1% for 2018 as part of the annual appropriation ordinance.

Dated this 5th day of September, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Ordinances

Regarding Ordinance 6194 (CC081517-01) Modrick said there has been tremendous outpour for the Retired Senior Volunteer Program. She supports this program and would like to see it reinstated. Unless they get a sponsor, it could be eliminated. There are still 500 volunteers out there. Modrick would like to see \$40,000 come out of undesignated cash and keep the program going. In response to a question from Drew, Mark Kline, President of the RSVP Advisory Committee, said that the City can’t transfer or give away their sponsorship. If you give up the sponsorship you give back the grant and federal money that goes with it. Kline said he gave out the phone number for the Regional Coordinator of RSVP, if the Council isn’t sure of the details. He said the program is self-funded other than in-kind donations from the City. They also started RSVP+, which is made up of volunteers under 50 years old. Kline said they can’t be part of the United Way because they aren’t a 501(3)c. He said a big blow to the organization was the removal of the concessions which brought in \$8k-\$10k per year. Kline said they are not considered a non-profit because they fall under the City. Drew believes in the organization but there are other ways people can volunteer in the city. She thought the RSVP organization could have done more to save themselves. Ordinance 6194 (CC081517-01) An Ordinance for FY2018 Appropriation Ordinance having passed its first reading on August 24, 2017 motion was made by Scott, second by Laurenti to cut the budget by 2% across the board in the general fund. Discussion continued. Scott believes the Council did

their due diligence this year. She still doesn't believe in dipping into undesignated cash to balance the budget. She said there has been an 11% increase in overall spending in the past two years combined. Lewis asked if there was a motion. Mayor said the motion was to approve with a 2% cut across the board from the general fund. Scott stated the motion was to amend the ordinance. Laurenti said he agreed with Scott last year. He said it puts council in control of overspending. Lewis doesn't want to make department directors wait until the end of the year and then pray that council approves their request. Nordstrom is not in favor of the 2% across the board, it doesn't make sense to him. Each department has different requirements. Scott called point of order. Said they are talking about the general fund not the enterprise fund. Nordstrom said all departments are not equal. (Roberts returned to the meeting at 8:00 p.m.) Ordinance 6194 (CC081517-01) An Ordinance for FY2018 Appropriation Ordinance failed the second reading 6 to 4, to cut the budget by 2% across the board, the following voted NO: Nordstrom, Modrick, Salamun, Lewis, Armstrong, and Drew with the following voting AYE: Laurenti, Drury, Roberts and Scott. Motion was made by Lewis, second by Salamun to approve. Ordinance 6194 (CC081517-01) An Ordinance for FY2018 Appropriation Ordinance having passed its first reading on August 24, 2017. Substitute motion was made by Modrick, second by Roberts to use \$40,000 from undesignated cash to fund the RSVP program and the title be read the second time. In response to a question from Laurenti, Munson said he does not think the volunteers feel entitled to government funding. Munson said the program has been self-sufficient for decades in large part to the concession area they used to have. He said the most they get is space and some money for staff. Munson said he doesn't know why the concession area was pulled but thinks it should be reinstated. He knows other organizations keep coming to the city for funding but the city still helps these other organizations. Munson does think the volunteers will go away if RSVP is taken away. Lewis said he wanted to restore RSVP originally and he would be in favor of it. In response to a question from Salamun, Mayor said the concessions were taken away primarily due to the disruption at the bus terminal due to the type of crowd it attracted. There were attempts at stealing candy or money. With the additional staff time, including law enforcement response time, to the concession area, the city spent equivalent to the amount they were making at RSVP. Salamun asked where these volunteers are going to go. Mayor said there is still a need for volunteers in Rapid City even if the RSVP program isn't funded by the city. He said the 211 center could help place volunteers if they need help. In response to a question from Armstrong, Kline said the federal grant requires a matching fund, which can be in kind or through actual dollars. Armstrong said she has spoken with the United Way, 211 and the schools and they would welcome these volunteers to their organizations. She also suggested the senior centers, the Dahl, the library, the Journey, and the humane society. She believes the Council values all volunteers and seniors. In response to a question from Nordstrom, Kline said that the candy cart was originally approved by the risk manager but has now been taken away. Rapid City was the only stop from Sioux Falls to Billings that allowed passengers to get off and get a snack. There was a threat against a staff member and a security guard was hired. Now the security guard is no longer needed. Nordstrom asked Kline if the organization could be run with one employee and Kline said it's too much for one person to handle. Kline said to his knowledge RSVP has only had to come to the City twice since 1971 for help with funding. 25% of their income was taken away when the concession cart went away. Roberts is in favor of the program. He doesn't like that the city is just cutting out the program. He thinks RSVP should have been given a warning of being phased out. He would like to see the program reinstated. Upon vote being taken, the following voted AYE: Lewis, Armstrong, Roberts, Nordstrom, Modrick and Salamun; NO: Laurenti, Drury, Scott, and Drew; Whereupon, the Mayor declared the motion passed and Ordinance No. 6194 was declared duly passed upon its second reading.

Ordinance No. 6189 (LF083017-07) Supplemental Appropriation #3 for 2017. Motion was made by Scott, second by Laurenti and carried that Ordinance 6189 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 18, 2017. In response to a question from Scott, Sumption said there will likely be one to two more supplemental appropriations remaining in 2017.

Ordinance No. 6195 (LF083017-09) An Ordinance to Change the Allocation of the Revenue Raised by the Retail Occupational Sales and Service Tax by Amending Section 3.16.060 and Section 3.16.090 of the Rapid City Municipal Code. Motion was made by Scott, second by Nordstrom and carried that Ordinance No. 6195 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 18, 2017. Lewis and Drew stated they wanted to leave the Vision Fund allocations as they are. Motion carried 8-2 with Lewis and Drew voting no.

Public Works Committee Items

Motion was made by Lewis, second by Nordstrom to acknowledge (PW080117-25) Request to Allow a Food Truck on City Property After Leased Hours to be Located in the Southwest Corner of Mount Rushmore Road and Main Street – Jamie Jackson. (This item was continued from the August 7, 2017 Council meeting at the applicant's request.) Roberts encouraged someone to make a motion to approve or deny. Laurenti asked if there was a recommendation from staff. Sumption said her office has received multiple requests to lease this spot and it has previously been denied. Sumption stated there is already limited parking there and encourages vendors to lease from a private owner. She also encourages vendors to contact the parks department. In response to a question from Armstrong, Landeen said this would create an additional liability for the city and recommends the request be denied. Substitute motion by Roberts, second by Salamun to deny. In response to a question from Salamun, Jackson said she owns the Green Chile Shack and it would operate from midnight to 2:00 a.m. if it was approved. Jackson said she does operate her food truck on Tuesday and Thursday at EAFB, she has operated it at Founder's Park and Prairieberry before. Jackson said she thinks the vendor process through the parks department is working fine. Motion carried 10-0 to deny.

CIP Committee Items

Motion was made by Nordstrom, second by Drew and carried to (CIP081817-00) Acknowledge Capital Improvement Programs Committee Monthly Update for July 2017.

Motion was made by Nordstrom, second by Armstrong and carried to (CIP081817-03) Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, CSAC).

Motion was made by Nordstrom, second by Drury and carried to (CIP081817-04) Approve Capital Plan for Fire Vehicles.

Motion was made by Nordstrom, second by Armstrong and carried to (CIP081817-05) Approve Capital Plan for Parks & Recreation.

Motion was made by Nordstrom, second by Modrick and carried to (CIP081817-06) Approve Capital Plan for Information Technology.

Motion was made by Nordstrom, second by Armstrong to (CIP081817-01) Approve Financial Reports (Contingency, DCA Charges, Matching Grants, Penn Co Loan).

Motion was made by Nordstrom, second by Drury and carried to (CIP081817-02) Approve Capital Plan for Streets, Drainage, MIP Projects.

Motion was made by Nordstrom, second by Modrick to (CIP081817-07) Approve funding for Journey Museum HVAC system in the amount of \$41,000 to be funded by reallocating \$21,000 from the Journey Museum Parking Lot repair line item and \$20,000 from CIP Contingency. In response to a question from Salamun, Sumption said the Journey is responsible for repairs and maintenance. This system is above and beyond that, so the city is responsible for the HVAC system.

Alcoholic Beverage License Applications - Special Event

Motion was made by Laurenti, second by Roberts and carried to approve Central State Fair, Inc for a SPECIAL EVENT On-Sale Dealer License for an Event Scheduled for September 9, 2017 at 1300 Cherry Avenue.

Appeals - License Appeals

In response to a question from Lewis, Jegeris said the applicant had current pending charges for petty theft. Motion was made by Armstrong, second by Modrick to postpone (CC090517-04.1) Appeal of Denied Security License – Raymond Patterson, until pending charges are resolved. Jegeris said the applicant would not be able to perform security work until Council approves his license. Motion carried 10-0.

PUBLIC HEARING ITEMS – Items 51 - 73**CONTINUED PUBLIC HEARING CONSENT ITEMS** – Item 51

Motion was made by Scott, second by Roberts and carried unanimously to continue Item 51 to the Continued Public Hearing Consent Items until the September 18, 2017 City Council meeting.

Continue the following items until September 18, 2017:

51. LF083017-10 – Authorize Mayor and Finance Officer to Sign Lease Agreement Between the City of Rapid City and Black Hills Visitor Information Corporation.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

CONSENT PUBLIC HEARING ITEMS – Item 52 - 71

Motion was made by Modrick, second by Salamun and carried unanimously to approve Items 52-71 as they appear on the Consent Public Hearing Items.

Alcohol Licenses

52. 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
53. 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
54. 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
55. 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
56. 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
57. 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
58. 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.
59. 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.
60. Victoria's Garden LLC DBA Victoria's Garden LLC, 320 7th Street for a Package (off-sale) Malt Beverage & SD Farm Wine License

61. 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
62. 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
63. 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
64. 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
65. 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
66. 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
67. 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
68. 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
69. 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
70. 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

Assessment Rolls

71. LF083017-03 – Approve Resolution No. 2017-062B a Resolution Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2017-062B
RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTY

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 property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property 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 5th day of September, 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 – Items 72 - 73

Ordinance 6190 (17RZ023) 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 having passed its first reading on August 21, 2017 motion was made by Salamun, second by Laurenti, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance 6190 was declared duly passed upon its second reading.

Mayor read in item (17UR015) Appeal of Planning Commission’s decision on a request by Epic Outdoor Advertising, Inc. for a Conditional Use Permit to allow an off-premise sign for property generally described as being located southeast of the terminus of Dyess avenue, north of US I-90. Motion was made by Drury, second by Roberts and carried to acknowledge applicant’s withdrawal of Appeal of Planning Commission decision to approve.

EXECUTIVE SESSION. Motion was made by Roberts, second by Drury and carried to go into Executive Session at 9:00 p.m. for the purposes to discuss the qualifications, competence, performance, character and fitness of a prospective public officer or employee. Motion was made by Roberts, second by Armstrong and carried to come out of Executive Session at 9:19 p.m. with all members present. No action needed per Mayor Allender.

BILLS

The following bills have been audited.

BILL LIST - SEPTEMBER 5, 2017

P/ROLL PERIOD END 08/19/17, PD 08/25/17	1,056,309.72
P/ROLL PERIOD END 08/31/17, PD 08/31/17	1,677,230.51
CDEV P/ROLL PERIOD END 08/19/17, PD 08/25/17	4,863.97
PIONEER BANK & TRUST, 08/19/17 P/ROLL TAXES, PD 08/25/17	256,298.23
PIONEER BANK & TRUST, 08/31/17 P/ROLL TAXES, PD 08/31/17	434,357.66
CDEV PIONEER BANK & TRUST, 08/19/17 P/ROLL TAXES, PD 08/25/17	1,093.82
SOUTH DAKOTA DEPARTMENT OF REVENUE	
JULY17 SALES TAX PAYABLE PD 08/18/17	53,208.54
SOUTH DAKOTA DEPARTMENT OF REVENUE	
JULY17 EXCISE TAX PAYABLE PD 08/18/17	362.10
SOUTH DAKOTA DEPT OF REVENUE	
JULY17 CCTR SALES TAX PAYABLE PD 08/18/17	3,960.63

WELLMARK INC, HEALTH CLAIMS THROUGH 08/18/17, PD 08/24/17	189,871.13
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/21/17, PD 08/22/17	3,413.58
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/28/17, PD 08/29/17	1,195.84
SD RETIREMENT SYSTEM SPECIAL PAY PLAN-BROWNING, MCSHANE, ROSAL PD 08/25/17	135.00
US BANK, CREDIT CARD CHARGES, PD 08/30/17	36,771.91
US BANK – CDEV, CREDIT CARD CHARGES, PD 08/30/17	56.64
BLACK HILLS ENERGY, ELECTRICITY, PD 08/24/17	16,443.40
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 08/24/17	15,171.63
COMPUTER BILL LIST	2,837,242.35
CDEV COMPUTER BILL LIST	1,113.19
SUBTOTAL	6,589,099.85
RSVP, P/ROLL PERIOD END 08/19/17, PD 08/25/17	3,347.23
RSVP, PIONEER BANK & TRUST, 08/19/17 P/ROLL TAXES, PD 08/25/17	992.76
RSVP, COMPUTER BILL LIST	235.12
TOTAL	6,593,674.96

Sumption presented the bill list total of \$6,593,674.96. Motion was made by Laurenti, second by Drury and carried to authorize (No. CC90517-01) the Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof. In response to a question from Scott, Sumption said over half of the expenses are payroll and 60% of those are paid out of the general fund versus the enterprise fund. Scott said the expenditures and income fluctuate and she wants her colleagues to pay attention to that over the next few months. She says the city typically spends more than they bring in during the next three months before they get the second half of the property taxes from the county.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Scott, second by Salamun and carried to adjourn the meeting at 9:23 p.m.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)