

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

October 2, 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, October 2, 2017 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Amanda Scott, Ritchie Nordstrom, Lisa Modrick, Jason Salamun, Chad Lewis, Laura Armstrong, Steve Laurenti, Becky Drury and John Roberts the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Darla Drew.

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, Community Planning & Development Services Director Ken Young, Parks and Recreation Director Jeffrey Biegler and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor presented the World Habitat Day Proclamation to Scott Ingman of Black Hills Habitat for Humanity.

MAYOR'S ITEMS

Mayor read in item (No. CC100217-04.2) Confirm Appointment of Ken Young as Community Planning & Development Services Director and Authorize Mayor and Finance Officer to sign employment contract. Motion was made by Lewis, second by Salamun to confirm the appointment of Ken Young as Community Planning & Development Services Director and authorize Mayor and Finance Officer to sign employment contract. Sumption swore in Ken Young as Community Planning & Development Services Director.

GENERAL PUBLIC COMMENT

Dave Metz from Disabled American Veterans addressed the Council. He announced that they got their vision project completed. He invited council to a ceremony they are having October 7, 2017 at the Disabled American Veterans hall. He said he originally projected the project to cost \$30,000. When he came before the board, he was down to \$21,000. When it was all done, they only spent \$18,000. He thanked the council, Tech and Landeen for helping him get through this process.

Alex Schimbeno, Junior at South Dakota School of Mines and Technology, addressed the Council. He said he was representing the Lambda Chi Alpha chapter at SDSM&T. He wanted to invite the public to an event on October 27, 2017 which is called Night In the Cold. This is to raise the awareness toward homelessness in Rapid City. It is targeted toward families to come out and learn more about it. There will be a dinner, speakers, carnival games and a movie. At the end of the night, everyone will be sleeping outside in a SDSM&T quad, pending the weather. The price of the event is \$15 per person. The first 100 people to sign up will be getting a t-shirt. All proceeds go to the Cornerstone Rescue Mission in Rapid City. Start time is 5:00 p.m. at the Surbeck Center.

NON-PUBLIC HEARING ITEMS -- Items 4 – 32

CONSENT ITEMS – Items 4 – 25

Motion was made by Lewis, second by Salamun and carried unanimously to approve items 4-25 as they appear on the Consent Items.

Approve Minutes

4. Approve Minutes for the September 18, 2017 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)**Alcoholic Beverage License Applications Set for Hearing (October 16, 2017)**

5. Rapid City Chamber of Commerce for a SPECIAL EVENT Malt Beverage and On Sale Wine for an event scheduled for October 19, 2017 at Premier Home Mortgage, 3024 Tower Road
6. The Guadalajara's LLC DBA Guadalajara's Mexican Restaurant & Cantina, 2205 N. LaCrosse Street for a Retail (on-sale) Liquor License TRANSFER from Wisdom Inc. DBA Wisdom Inc., 2205 N. LaCrosse Street (INACTIVE)

Public Works Committee Consent Items

7. PW0926/17-01 – Approve Change Order #1-#7 to Dot Energy for Cell 13, 14, & 17 GCCS Landfill Gas Extension, Project No. 16-2370 for an increase of \$46,295.61. Total project cost under original bid amount by \$4,389.94
8. PW0926/17-02 – Approve Change Order #1 to Complete Concrete, Inc. for Mt. Rushmore Rd Utility Reconstruction - Flormann Street to Saint James Street, Project No. 15-2051 / CIP No. 50867 for an increase of \$22,448.37
9. PW0926/17-03 – Approve Change Order #1F to Bituminous Paving, Inc. for 2017 Chip Seal Project, Project No. 17-2379 / CIP No. 50844 for an increase of \$6,170.65.
10. PW0926/17-04 – Authorize Staff to Advertise for Bids for Snow Removal Operations for City Parking Lots and Ramp. Estimated cost: \$60,000.00.
11. PW0926/17-05 – Authorize Staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations. Estimated Cost: \$50,000.00.
12. PW0926/17-08 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Watershed Development, LLC for Oversize Water Main Cost Reimbursement, not to exceed \$15,850.00.
13. PW0926/17-09 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Skyline Engineering, LLC for Professional Services for Well 12 / Stoney Creek HVAC Improvements, Project No. 17-2403 / CIP No. 51181 in the amount of \$5,301.00.
14. PW0926/17-10 – Authorize Mayor and Finance Officer to Sign a Construction Professional Services Agreement between City of Rapid City and FMG Engineering for Rapid City Landfill Cell 17 Final Cover, Project No. 16-2364 in the amount of \$129,084.00.
15. PW0926/17-11 – Approve Request from Pat Tlustos of Founders Park LLC for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Founders Park Drive adjacent to a portion of Lot 9 of Founders Park Subdivision.
16. PW0926/17-12 – Approve Request from Wartenbee Family Limited Partnership for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Edwards Street for the Property Located at 3505 Edwards Street.
17. 17VE013 – Ridgeview Place Subdivision – Acknowledge the applicant's request to withdrawal Appeal of Staff's Decision on a Vacation of Easement. (Continued from the September 12, 2017, Public Works Committee Meeting).

Legal & Finance Committee Consent Items

18. LF092717-02 – Confirm the Appointment of Darren Haar to the Airport Board to Fill an Unexpired Term through May 1, 2021
19. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Ken Nash (RSVP+), Vincent Bailon (RSVP+)
20. Set a Special Council Meeting for December 27, 2017 at 12:30 p.m. to Pay the Final Bills of the Year
21. LF092717-01 – Acknowledge July 2017 Sales Tax Report

- 22. LF092717-03 – Approve Resolution No. 2017-085 a Resolution to Transfer Funds from the Utility Support Fund to the Capital Improvements and Vision Fund’s Capital Improvement Account

Resolution No. 2017-085
 A RESOLUTION TO TRANSFER FUNDS FROM THE UTILITY SUPPORT FUND
 TO THE CAPITAL IMPROVEMENTS & VISION FUND’S
 CAPITAL IMPROVEMENTS ACCOUNT

WHEREAS, the City of Rapid City has enacted Ordinance No. 6195, which changes the allocation of the revenue raised by the City’s sales tax; and

WHEREAS, Ordinance No. 6195 provides that no funding shall accrue to the Utility Support Fund beginning on January 1, 2018; and

WHEREAS, there are currently projects programmed and funded through the Utility Support Fund; and

WHEREAS, winding up the Utility Support Fund is necessary given the adoption of Ordinance NO. 6195.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City that all projects and programmed funding through fiscal year 2017 remain in the Utility Support Fund until such projects are completed and accepted.

BE IT FURTHER RESOLVED by the Common Council of the City of Rapid City that all projects and programmed funding beginning with fiscal year 2018 be transferred to the CIP & Vision Fund’s Capital Account.

BE IT FURTHER RESOLVED by the Common Council of the City of Rapid City that any funds remaining in the Utility Support Fund, upon completion of all pending projects for fiscal year 2017, be transferred to the CIP & Vision Fund’s Capital Account.

Dated this 2nd day of October, 2017.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 23. LF092717-04 – Approve Resolution No. 2017-086 a Resolution Approving the City of Rapid City Capital Improvement Plan Policy

Resolution No. 2017-086
 A RESOLUTION APPROVING THE CITY OF RAPID CITY
 CAPITAL IMPROVEMENT PLAN POLICY

WHEREAS, the City of Rapid City has enacted ordinances to provide for the raising of revenue by a sales and service tax; and

WHEREAS, a portion of the revenue raised by the sales tax is allocated to the Capital Improvements Account, which provides funding for eligible capital improvement projects; and

WHEREAS, the Common Council desires to adopt the attached policy to govern the process for funding capital improvement projects and purchases.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Rapid City that the attached Exhibit A, entitled "City of Rapid City Capital Improvement Plan Policy" be and hereby is adopted to govern the process of planning, programming, and expending Capital Improvement Account funds.

Dated this 2nd day of October, 2017.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Bid Award Consent Items

- 24. CC100217-02.1 – Approve award of total base bid for 2017 Out of the Dust Project, Project No. 17-2361 / CIP No. 50844 opened on September 26, 2017 to the lowest responsible bidder, Hills Materials Company, in the amount of \$95,890.40.
- 25. CC100217-02.2 – Approve award of total bid for Tomahawk Area – Pavement Rehabilitation Project, Project No. 17-2361 / CIP No. 50844 opened on September 26, 2017 to the lowest responsible bidder, Western Construction, Inc. in the amount of \$389,705.25.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 26 – 32

Ordinances

Ordinance No. 6200 (LF091317-01) An Ordinance Amending Chapter 8.28 of the Rapid City Municipal Code Relating to Grass, Weeds, and Noxious Matter having passed its first reading on September 18, 2017 motion was made by Scott, second by Laurenti that the title be read the second time. Upon vote being taken the following voted AYE: Scott, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6200 was declared duly passed upon its second reading.

Ordinance No. 6199 (No. 17RZ028) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by DTH, LLC for a Rezoning from Agricultural District to Light Industrial District for property generally described as being located east of Dyess Avenue. Motion was made by Nordstrom, second by Modrick and carried that Ordinance No. 6199 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, October 16, 2017.

Community Planning & Development Services Department Items

Motion was made by Modrick, second by Roberts and carried to approve (No. 17PL040) - A request by KTM Design Solutions, Inc for Catron Blvd Investors, LLC for a Preliminary Subdivision Plan for proposed Lots A thru D, Lots 1 thru 20 of Block 2, Lots 1 thru 15 of Block 3, Lots 1 thru 20 of Block 4, Lots 1 thru 20 of Block 5, Lots 1 thru 37 of Block 6 , Lots 1 thru 9 of Block 7, Lots 1 thru 5 of Block 8 and Lots 1 and 2 of Block 9 of South Terrace Subdivision, generally described as being located southeast of Catron Boulevard east of Mount Rushmore Road with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the

redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale; 2. Prior to approval of the Development Engineering Plan application, submitted engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards as required by the Infrastructure Design Criteria Manual; 3. Upon submittal of a Development Engineering Plan application, construction plans for Street A shall be submitted for review and approval showing the street located in a minimum 68 foot wide right-of-way with 10 additional feet the first 200 feet as it extends south from Catron Boulevard and constructed with a minimum 34 foot wide paved surface to allow parking on both sides of the street, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Street B, C, D and E shall be submitted for review and approval showing the streets located in a minimum 52 foot wide right-of-way with 10 additional feet along Road D for the first 200 feet as it extends south from Catron Boulevard. In addition, the construction plans shall show a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for Cul-de-sac Street F and Cul-de-sac Street G shall be submitted for review and approval showing the streets located in a minimum 50 foot wide right-of-way and constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. In addition, the cul-de-sac bulb shall be located in a minimum 104 foot diameter right-of-way and constructed with a minimum 84 foot diameter paved surface. in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the east lot line shall be submitted for review and approval showing the section line highway constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application. If the section line is to be vacated, then the eastern portion of the section line highway shall be vacated by Pennington County since it is located outside of the City limits of Rapid City. In addition, the adjacent property owner shall sign the Vacation of Right-of-way Petition and application; 7. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval providing a lot for a future water booster pump station near the intersection of Catron Boulevard and Street D as shown in the Utility Systems Master Plan 2008; 8. 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. 9. 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; 10. 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 and per Rapid City Code 8.48.020, Post Construction Water Runoff Control Design

Requirements 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; 11. Upon submittal of a Development Engineering Plan application, the Geotechnical Exploration Program Proposed South Terrace Subdivision Report, dated May 12, 2006, shall be updated or an addendum to the report, signed and sealed by a Professional Engineer shall be submitted for review and approval confirming that conditions have not changed to warrant a change in the geotechnical recommendations and that the geotechnical recommendations conform to current design standards; 12. Prior to submittal of a Development Engineering Plan application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document and the construction plans shall show the approved street names; 13. Prior to submittal of a Development Engineering Plan application, the South Dakota Department of Transportation shall approve the two street connection(s) to Catron Boulevard since Catron Boulevard is a State highway; 14. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 15. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 16. Upon submittal of a Development Engineering Plan that creates 150 or more residential dwelling units, a Traffic Impact Study shall be submitted for review and approval as per Section 2.17.2 of the Infrastructure Design Criteria Manual. This includes development of the unplatted balance; 17. Upon submittal of a Development Engineering Plan for Phase Two, the applicant shall confirm that two points of access are being constructed as required to ensure that no more than 40 dwelling units are being served by one point of access as per Section 2.6 of the Infrastructure Design Criteria Manual or an Exception shall be obtained. In addition, the Master Plan shall clarify whether the area located directly north of Lots 1 through 20 of Block 2 is a proposed lot or an unplatted balance; 18. Upon submittal of a Development Engineering Plan; a Master Plan of the unplatted balance shall be submitted for review and approval as per Chapter 16.12.030 of the Rapid City Municipal Code; 19. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed open space and any proposed drainage elements. In addition, a Major Drainage Easement shall be dedicated for all proposed drainage improvements; 20. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase; 21. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential I District and/or Low Density Residential II District in compliance with the Future Land Use Plan in order to support the proposed residential development; 22. 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, 23. 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); and, 24. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the north lot line of Block 3 shall be submitted for review and approval showing the section line highway constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer in compliance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code or an Exception shall be obtained or the section line highway shall be vacated. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. If the section line is to be vacated, then the adjacent property owner shall sign the Vacation of Right-of-way Petition and application.

Modrick read in item (PW082917-13) Appeal of Denied Exception Request from Chrisbro Hospitality, LLC to Waive the Requirement to Provide a Traffic Impact Study per City IDCM Section 2.17 Traffic Studies for a proposed Tru-Hampton Inn and Suites Hotel located on Tract A, Rushmore Center Subdivision. (Continued from the August 29, 2017, and the September 12, 2017, Public Works Committee Meeting) Tech said there had been some discussions with the applicant in regards to a motel and a stand-alone restaurant on Eglin Street, which is east of LaCrosse Street and west of Rushmore

Crossing. The applicant didn't want to do a traffic study to see if any improvement would need to be done on Eglin Street. City staff negotiated with applicant and came up with a solution. The information was provided to the applicant late last week and their engineer was working up some numbers and geometrics of it and the city hasn't heard back. Tech doesn't think the traffic study is necessary, but he's not sure of the applicant's desire. Tech said the applicant stated at committee that they did want the item sent to council without recommendation. Tech said his original recommendation was to table the item because there is no need for the traffic study. In response to a question from Salamun, Tech said they have determined that the traffic study is not needed so therefore this item isn't needed. Mayor said he was contacted by the applicant and they agreed that a tabled motion would be ok. Motion was made by Nordstrom, second by Salamun and carried to table the item.

Modrick read in item (PW092617-13) Appeal of Denied Exception Request by Prairie Valley Development Company, LLC to Waive the Requirement to construct a 12-inch Diameter Water Main in Anderson Road. Modrick said that the recommendation from committee was to deny but she'd like to send the item to council without recommendation. Mayor called attention to missing a speaker request form for public comment from Stuart Martin and Mandi Schmierer for this item and asked Martin to speak at this time. Martin asked that this item be continued in order to get some new calculations done. Motion was made by Salamun, second by Lewis and carried to continue the item to the October 16, 2017 city council meeting per the applicant's request.

Modrick read in item (PW092617-14) Appeal of Denied Exception Request by Prairie Valley Development Company, LLC to Waive the Requirement to construct curb, gutter and sidewalks in Receda and Abelita Streets. Modrick said that the committee voted to allow the exception. Motion was made by Modrick, second by Salamun to approve the exception. Modrick said that it had been determined by prior approval in 2009 that it is a drainage area. She does not think this is an area for curb, gutter and sidewalks. Schmierer said the subdivision was platted in 2007. She indicated it is zoned as a planned unit development. Pictures were shown of the subdivision phase one and there are no curb, gutter or sidewalks. She said they are requesting phase two to be consistent with phase one. Modrick said this is a rural development and is outside the city limits. Modrick stated the planned development had been approved in 2009 and has half-acre lots with rural surroundings. Modrick said this development is for first time home buyers and the working force, so costs are important to keep down. In response to a question from Nordstrom, Schmierer said the water is designed to go to the detention cell that is located to the northwest of the property. Nordstrom is concerned that the area is flat and there will be standing water. Schmierer said when the property was designed in 2006-2007 with both phases in mind the engineer developed the cell to accommodate the run-off from phase one and two to go to the detention cell. If they have to install curb and gutter then the ditches aren't serving the purpose they were designed to serve. In response to a question from Nordstrom, Schmierer said the original PUD was approved in 2006 by the county. Then the land was platted and the overall construction plans were approved for phase one and two. Since the time of original approval, the design criteria has changed through the city. Nordstrom has concerns about water being able to reach the detention pond. His other concern is with road districts. He doesn't think many people understand what a road district is and how it operates. In response to a question from Nordstrom, Martin said they don't have new numbers calculated if they are required to do curb, gutter and sidewalk that is why item 30 is continued. He said he'd like to keep the lots affordable and at \$35,000 or below. Roberts said he has no concerns with the drainage. He said people buy these lots in the country because they want it to look like the country. He appreciates them trying to keep the cost low. Scott appreciates trying to keep the lot prices lower for affordable housing. However, she is reminded of the bad outcome with Big Sky and will be voting no. In response to a question from Laurenti, Tech said typically when properties with a road district are annexed into the city, the road district is dissolved and the public right-of-way becomes the jurisdiction of the city of Rapid City and all maintenance responsibilities for the right-of-way would be the city's. Tech said the owners are not assessed when the property is annexed. Tech referenced the South Valley Drive area. He believes it was annexed in 2009. He said there are limited paved sections, no curb and gutter and no drainage facilities. He said the city doesn't have plans to do anything in that area anytime soon due to

budgetary constraints on the infrastructure funding. The city has not recommended assessing them for improvements to those road ways. Tech said other areas of the country have experimented with rural sections within urbanized areas. The situation they have with this development, they are trying to squeeze a rural section into an urbanized right-of-way width, so the ditches are outside the public right-of-way. So the adjoining property owners can do what they want with that property such as fill in the ditches if they want additional parking or need more room. So it becomes very difficult for the city to maintain adequate drainage on a road section like that. In response to a question from Modrick, Tech said he doesn't know how long it will take the city to take over the rural area. Modrick said it's unknown how long it will take before the city takes over. Lewis said in fairness to the applicant, he wanted to point out that one of the council people that is in favor of granting the exception is gone and the applicant might want to continue the item. There was tie vote 4-4 with the following voting AYE: Modrick, Salamun, Lewis and Roberts; NO: Scott, Nordstrom, Laurenti and Drury. Armstrong abstained. Mayor broke the tie vote with a NO vote. Motion failed 5-4.

Modrick read in item (PW092617-15) Appeal of Denied Exception Request by Prairie Valley Development Company, LLC to Waive the Requirement to dedicate 52 feet of right-of-way in Receda and Abelia Streets. Modrick said committee voted to approve the exception. Motion was made by Modrick, second by Roberts to approve the exception. Modrick said the existing right-of-way is at 49 feet and Schmierer said she would like to leave it at that for phase two in order to keep it consistent with phase one. In response to a question from Modrick, Tech said the point he was trying to make at the public works meeting was if you have a rural section you need additional right-of-way width. He doesn't want it reduced because then you have public drainage facilities on private property and that can be problematic. Modrick asked if the criteria manual was just a guide. Tech said the criteria manual is the rule and that's why it was adopted to provide minimum standards for development and the 52-foot is a minimum standard. Modrick asked if they are running on county standards or city standards. Tech said this is within the 3-mile platting jurisdiction and the city criteria is required. Modrick said she still would like to see phase two align with phase one. Substitute motion was made by Lewis, second by Armstrong to continue for two weeks. He feels since the full council is not present to vote that the outcome of the item could be affected. He urges council to think about affordable housing. He thinks council keeps advocating for affordable housing but doesn't vote for it. In response to a question from Drury, Landeen said the current item could be continued but the previous item couldn't since it was already voted on. He said it is acceptable to continue based on council members being there if that's what council sees fit. Motion failed 5-4 with the following voting NO: Laurenti, Drury, Scott, Modrick and Salamun; YES: Armstrong, Roberts, Nordstrom and Lewis. Mayor asked Landeen if Armstrong voting on the continuance was appropriate. Landeen said it's up to the elected official to decide if they have a conflict. He would advise to abstain from all of the items if they abstain from one concerning the same topic. Mayor said she decided she doesn't have a conflict voting on the continuance and he will support that. Nordstrom said that costs might be saved on the front end but not the back end and he will be voting no on the exception. Roberts asked Martin if all the exceptions are denied, would it be cost effective to do the project and Martin said no. Roberts said it's unfortunate if it gets denied because affordable housing is needed in Rapid City. In response to a question from Lewis, Martin said the lot costs would have been \$35,000 or under if the exceptions were granted. An estimate with the added costs would make the cost per lot go up \$7,000 to \$10,000. Lewis said there is a need for a certain price point and we aren't hitting it. Lewis told the council that they keep denying affordable housing even though they say they want it. He said there has to be some leeway in requirements otherwise they won't get affordable housing. Martin said the outcome of this item won't matter since item 31 was denied because curb and gutter will go in the extra right-of-way anyway. Vote was taken on the original motion to approve the exception. There was a tie vote 4-4 with the following voting AYE: Modrick, Salamun, Lewis and Roberts; NO: Nordstrom, Laurenti, Drury and Scott. Armstrong abstained. Mayor broke the tie vote with a YES vote. Motion passed 5-4. Mayor said it's a false narrative to claim that lot costs are too high because there are development rules. He said there is a land owner who sells land and there are construction costs that go into that land and to think that none of that has to do with the cost is naïve.

PUBLIC HEARING ITEMS – Items 33 – 35
CONSENT PUBLIC HEARING ITEMS – Item 33

Alcohol Licenses

Mayor read in the item. Justin Christman / 33-7 Worldwide LLC DBA The Man Salon – Rapid City West, 2335 West Main Street #220 for a Retail (on off sale) Malt Beverage License. Motion was made by Scott, second by Salamun and carried to approve.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 34 – 35

Ordinance 6191 (No. 17RZ024) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions for Dakota Hills Trailer Sales, LLC for a Rezoning from Park Forest to Low Density Residential for property generally described as being located at 6061 Covenant Drive having passed its first reading on September 18, 2017 motion was made by Scott, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance 6191 was declared duly passed upon its second reading.

Motion was made by Scott, second by Laurenti to (No. 17VR006) deny 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. Motion carried 8-1 with Roberts voting no.

BILLS

The following bills have been audited.

BILL LIST - OCTOBER 2, 2017

P/ROLL PERIOD END 09/18/17, PD 09/18/17	44,905.44
P/ROLL PERIOD END 09/16/17, PD 09/22/17	1,027,235.33
CDEV P/ROLL PERIOD END 09/16/17, PD 09/22/17	4,863.95
PIONEER BANK & TRUST, 09/18/17 P/ROLL TAXES, PD 09/18/17	5,688.80
PIONEER BANK & TRUST, 09/16/17 P/ROLL TAXES, PD 09/22/17	255,073.28
CDEV PIONEER BANK & TRUST, 09/16/17 P/ROLL TAXES, PD 09/22/17	1,305.44
SOUTH DAKOTA DEPARTMENT OF REVENUE, AUG17 SALES TAX PAYABLE PD 09/20/17	43,680.48
SOUTH DAKOTA DEPARTMENT OF REVENUE, AUG17 EXCISE TAX PAYABLE PD 09/20/17	294.25
SOUTH DAKOTA DEPARTMENT OF REV AUG17 CCTR SALES TAX PAYABLE PD 09/20/17	902.63
WELLMARK INC, HEALTH CLAIMS THROUGH 09/08/17, PD 09/14/17	234,073.86
WELLMARK INC, HEALTH CLAIMS THROUGH 09/15/17, PD 09/21/17	126,436.59
WAGE WORKS, SECTION 125 CLAIMS THROUGH 09/18/17, PD 09/19/17	3,924.15
WAGE WORKS, SECTION 125 CLAIMS THROUGH 09/25/17, PD 09/26/17	3,891.71
SD RETIREMENT SYSTEM, SPECIAL PAY PLAN-PREBLE,M PD 09/22/17	45.00
BANK WEST, TID65 MINNESOTA ST, PD 09/22/17	255.08
CITY OF RAPID CITY, TID64 CABELA'S, PD 09/22/17	3,713.90
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 09/22/17	358.57
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 09/15/17	32,301.58
BLACK HILLS ENERGY, ELECTRICITY, PD 09/26/17	51,357.95
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 09/26/17	12,480.69
COMPUTER BILL LIST,	3,727,903.18

CDEV COMPUTER BILL LIST	577.28
SUBTOTAL	5,581,269.14
RSVP, P/ROLL PERIOD END 09/16/17, PD 09/22/17	3,347.24
RSVP, PIONEER BANK & TRUST, 09/16/17 P/ROLL TAXES, PD 09/22/17	992.77
RSVP, COMPUTER BILL LIST	78.57
TOTAL	5,585,687.72

Sumption presented the bill list total of \$5,585,687.72. Motion was made by Laurenti, second by Drury and carried to authorize (No. CC100217-01) 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 Laurenti, second by Drury and carried to adjourn the meeting at 7:34 p.m.

Dated this 2nd day of October, 2017.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)