

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

December 18, 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, December 18, 2017 at 6:30 P.M.

The following members were present: Council President Jason Salamun and the following Alderpersons: Darla Drew, Ritchie Nordstrom, Lisa Modrick, 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: Amanda Scott.

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 Development Director Ken Young, Parks and Recreation Director Jeffrey Biegler, Risk Manager, Trevor Schmelz, Human Resources Director Nick Stroot and Administrative Coordinator Heidi Weaver-Norris

**ADOPTION OF AGENDA**

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

**AWARDS AND RECOGNITIONS**

Council President Salamun presented Veteran of the Month for December 2017 to Doug Brandt and recognized his efforts and dedication to the service of his country and community.

Council President Salamun presented Tennille Collins with the Hidden Hero of the Month for December 2017. He recognized her sacrifice, compassion and dedication to veteran caregiving.

**COUNCIL ITEMS**

A Presentation from Canyon Lake Senior Center was given by Gary Miller. He spoke of the benefits of, Pickleball and said they have over 100 people playing at their facility. He is looking into becoming an ambassador. They will be building six pickleball courts. They have started raising money and they are working with Jim Scull. They expect the completion date to be June 1, 2018. The projected cost is \$157,532. They would like the city to consider helping them fund the new courts. He invited the council and Mayor to a pickleball match.

**GENERAL PUBLIC COMMENT**

Julian Navarro stated that without vision people perish. He would like to see more homeless people get help with getting an ID or tribal ID. He thinks the disabled need more help. He thinks there should be more assistance getting a GED. He would like to see a sweat lodge for natives. He said single fathers need assistance and more programs for single fathers. Men need help with domestic violence because it goes both ways. He would like to see an open campground for the homeless. He said being homeless is mentally, emotionally, physically, and spiritually challenging. Some of these programs would help people.

Jenny Robertson thanked Salamun for coming to their vigil. She presented a handout of study done in 2011 regarding pedestrian versus car accidents. The study collected four years of crash data. She said that Haines Avenue is mostly a residential area with commercial frontage. She lived there when it was a two lane road. She stated she got 14 additional signatures. She said there would be fewer deaths with reduced speed. She would like council to look at the study. She doesn't think the speed limit on Haines should be over 25 mph.

**NON-PUBLIC HEARING ITEMS** -- Items 4 – 48

Bill Clayton spoke on item (PW121217-17). He said he would be present for further questions if the item is pulled. He stated the front page of the Rapid City Journal gave false information about the deer harvest. He said the paper stated that the highest cost is processing the deer. He said that's not true and the highest cost is what the hunter gets paid which is \$65 per deer. The said city is paying the hunters from payroll and they should be paid as contractors.

**CONSENT ITEMS** – Items 4 – 41

The following items were removed from the Consent Items:

20. PW121217-17 – Approve Authorize Parks and Recreation Department to harvest 150 deer for the 2017/2018 season.
22. PW121217-19 – Approve the Appeal of Denied Exception Request from Sperlich Consulting on Behalf of Freeland Meadows, LLC to not construct Country Road with a minimum 36' wide paved surface, curb, gutter, street light conduit, sewer, sidewalk at intersections and grading for sidewalk along developable parcels (City Files 17EX211).
25. LF121317-03 – Authorize Mayor and Finance Officer to Sign the Joint Powers Agreement between the South Dakota Department of the Military and the City of Rapid City for Tree Thinning on Property Adjacent to West Camp Rapid

Motion was made by Laurenti, second by Drew and carried unanimously to approve Items 4-41 as they appear on the Consent Items with the exception of Items 20, 22 and 25.

***Approve Minutes***

4. Approve Minutes for the December 4, 2017 Regular Council meeting.

***Public Works Committee Consent Items***

5. PW121217-01 – Confirm the reappointments of Jenn Johnson and Carol Evan Saunders to the Historic Preservation Commission.
6. PW121217-02 – Change Order #1F to J.V. Bailey Co. Inc. for 5th Street Concrete Repair, Project No. 15-2292 / CIP No. 50445 for a decrease of \$17,610.60.
7. PW121217-03 – Change Order #1 to R.C.S. Construction, Inc. for E. Idaho, E. Nevada, Ivy Avenue, Street and Utility Reconstruction and Meade/Hawthorne Drainage Element 221 Improvements, Project No. 15-2253 / CIP No. 5421.3.1B for an increase of \$4,846.09.
8. PW121217-04 – Change Order #1F to Complete Concrete Inc. for Main Street Water Valve Concrete Repair, Project No. 17-2390 / CIP No. 50705 for a decrease of \$28,752.50.
9. PW121217-05 – Change Order #3F to Scull Construction Services for Fire Station 5 Improvements, Project No. 2073 / CIP No. 51158 for an increase of \$2,692.46.
10. PW121217-06 – Change Order #3 to Highmark, Inc. for Southside Drive Sanitary Sewer Extension, Project No. 14-2095 / CIP No. 50328 for an increase of \$49,790.00.
11. PW121217-07 – Change Order #2 to Lind-Exco, Inc. for West Omaha Drainage and Utility Improvements, Project No. 15-2316 / CIP No. 50904.1 for an increase of \$120,454.98.
12. PW121217-08 – Change Order #2F to R.C.S. Construction, Inc. for Baldwin Street Reconstruction, Project No. 14-2189 / CIP No. 50822.1-1 for a decrease of \$125,063.76.
13. PW121217-09 – Change Order #1F to Mainline Contracting, Inc. for East Rapid City Water Expansion Valley View and Radar Hill Road North Extensions, Project No. 14-2197 / CIP 50964.E for a decrease of \$71,449.50.
14. PW121217-10 – Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and West Plains Engineering, Inc. for Annual ADA Compliance Project – 5th Street and New York Street, Project No. 15-2311 / CIP No. 50761 in the amount of \$9,507.00.
15. PW121217-11 – Authorize Mayor and Finance Officer to Sign Covenant Agreement Between the City of Rapid City and the South Dakota School of Mines and Technology Authorizing

the South Dakota School of Mines and Technology Foundation to Maintain Non-Conforming Sewer Service Lines.

- 16. PW121217-12 – Authorize Staff to Advertise for Bids for One (1) Current Model Year Tandem Axle Dump Truck w/Slide-in Sander and Plow.
- 17. PW121217-14 – Approve Request from Hills Septic to dispose of Porta Potti Waste at the Rapid City Water Reclamation Facility.
- 18. PW121217-15 – Authorize Mayor and Finance Officer to Sign Dinosaur Park Concession Agreement between the City of Rapid City and Hisega, LLC, for a five-year term from January 1, 2018 thru December 31, 2022.
- 19. PW121217-16 – Authorize Mayor and Finance Officer to sign Amendment No. 1 to Professional Services Agreement with TSP, Inc. for Parks and Recreation Bridge Imp. Project PR18-2406 in the amount of \$5,946.00.
- 21. PW121217-18 – Acknowledge Discussion on a Resolution to Meter All Connection Points to the Rapid City Water System.

**Legal & Finance Committee Consent Items**

- 23. LF121317-11 – Confirm the Reappointment of Michael Diedrich and New Appointment of Gary Brown to the Civic Center Board of Directors
- 24. LF121317-16 – Authorize Mayor and Finance Officer to Sign Joint Cooperative Agreement Between the City of Rapid City and Western Dakota Technical Institute
- 26. LF121317-14 – Approve Resolution No. 2017-118 a Resolution to Declare Fire Trucks Surplus

Resolution 2017-118  
A RESOLUTION TO DECLARE FIRE TRUCKS SURPLUS

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

NOW THEREFORE, BE IT RESOLVED that the following property be and is hereby declared surplus:

2002 Spartan Chassis Ladder Truck, VIN 4S7AU2F965C052845; and

1987 Pierce Arrow Pumper, VIN 1P9CA01J5HA040197.

BE IT FURTHER RESOLVED that the Mayor and Finance Officer are authorized to do all acts necessary to dispose of this property according to state law.

Dated this 18th day of December, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

- 27. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Joshua Garcia Hopp (RSVP+), Ann Maynard (RSVP+)
- 28. LF121317-02 – Approve Resolution No. 2017-112 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution # 2017-112  
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: Fire (202)

For trade:

2005 Spartan Chassis Ladder Truck, VIN 4S7AU2F965C052845

For sale/Donate:

1987 Pierce Arrow Pumper, VIN 1P9CA01J5HA040197

From: Police (201)

For Discard:

2009 Ford Crown Victoria, VIN 2FAHP71V29X101594

2013 Ford Taurus Interceptor, VIN 1FAHP2MT5DG110379

2007 Ford Crown Victoria, VIN 2FAFP71W57X150074

2009 Ford Crown Victoria, VIN 2FAFP71V79X101591

2008 Dodge Durango, VIN 1D8HB48238F141665

2008 Dodge Durango, VIN 1D8HB48278F141667

For Trade:

Design Jet 800 map printer, Model C7780B, S/N SG0B72202B

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 18th day of December, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:

s/ Pauline Sumption

Finance Officer

(SEAL)

- 29. LF121317-06 – Approve Resolution No. 2017-113A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2017-113A  
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 18th day of December, 2017. The City Council shall meet at the City / School Administration Center

in Rapid City, South Dakota, on the 16th day of January, 2018 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 18th day of December, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

- 30. LF121317-13 – Acknowledge October 2017 Sales Tax Report
- 31. LF121317-09 – Approve Resolution No. 2017-117 a Resolution Creating New Positions of Accounts Receivable Manager and Grants Compliance, Financial Reporting and Asset Manager

RESOLUTION NO. 2017-117  
RESOLUTION TO AMEND THE CITY OF RAPID CITY  
COMPENSATION PLAN BY ESTABLISHING NEW POSITIONS WITHIN THE FINANCE DEPARTMENT

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

WHEREAS, respective Leaders within City Management request and recommend that the new positions of Accounts Receivable Manager and Grants Compliance, Financial Reporting and Asset Manager be created; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the City of Rapid City Compensation Plan by adding the positions of Accounts Receivable Manager and Grants Compliance, Financial Reporting and Asset Manager to the respective pay scale; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the City of Rapid City Compensation Plan by removing the positions of Asset Manager and Accounts Receivable Manager and Grants Compliance – Financial Reporting and Asset Manager from the respective pay scale; and

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

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

**ADD TO THE NON-UNION PAY SCALE**

Position Title	Pay Scale	Grade	FLSA Classification	SALARY RANGE	
				Min	Max
Accounts Receivable Manager	Non-Union	22	Exempt	\$65,328.35	\$98,433.11
Grants Compliance, Financial Reporting and Asset Manager	Non-Union	23	Exempt	\$68,635.57	\$103,416.31

Dated this 18th day of December, 2017.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

- 32. 17TP030 – Approve No Cost Time Extension with Felsburg Holt & Ullevig for the Rapid City Area MPO Transit Feasibility Study
- 33. LF121317-08 – Approve 2018 Insurance Renewals for Property, Liability, and Excess Workers Compensation
- 34. LF121317-10 – Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Rapid City Summer Nights, Inc. to Authorize Summer Nights Activities from 2018 to 2022
- 35. LF121317-15 – Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and Community Health Center of the Black Hills, Inc. for the Use of City Vision Funds to Complete the Construction of a Space within the Organizations Current Facility for a Mental Health Pod

***Bid Award Consent Items***

- 36. No. CC121817-02.1 - Approve award of Total Bid for Meadowbrook Golf Course Restroom, Project No. 17-2397 opened on December 12, 2017 to the lowest responsible bidder, R.C.S. Construction, Inc. in the amount of \$269,900.00.
- 37. No. CC121817-02.2 - Approve award of Total Bid for 2018 Street Light Maintenance Contract, opened on December 12, 2017 to the lowest responsible bidder, Solar Sound Corp, in the amount of \$52,800.00.
- 38. No. CC121817-02.3 - Approve award of total bid for Canyon Lake Drive Concrete Repair Project, Project No. 17-2405 / CIP No. 50445 opened on December 12, 2017 to the lowest responsible bidder, Tru-Form Construction, Inc. in the amount of \$43,341.05.
- 39. No. CC121817-02.4 - Approve award of total bid for East Saint Joseph Street Overlay – Pavement Rehabilitation Project, Project No. 17-2363 / CIP No. 51161 opened on December 12, 2017 to the lowest responsible bidder, Western Construction, Inc. in the amount of \$379,253.70.

40. No. CC121817-02.5 - Approve award of total bid for Well No. 8 Pump Replacement 2018, Project No. 17-2421 / CIP No. 51188 opened on December 12, 2017 to the lowest responsible bidder, Weston Engineering, Inc. in the amount of \$61,790.75
41. No. CC121817-02.6 - Consent Item: Approve award of total base bid for Rapid Ride Bench Pads, Project No. 17-2398 / CIP No. 51168 as negotiated on December 14, 2017, in the amount of \$101,951.00.

#### END OF CONSENT ITEMS

Salamun read in item (PW121217-17) Approve Authorize Parks and Recreation Department to harvest 150 deer for the 2017/2018 season. In response to a question from Laurenti, Clayton said this is a meaningful and necessary program. It is a well-conceived program with a lot of little pieces. He said Game Fish and Parks (GF) goes out into the city and does a census. They take into account where the deer are through calls that are received and take into account where vehicles have hit deer. Clayton said there was a complaint system where everything was tallied to identify problem areas. Clayton was on the urban wildlife committee for over two years. He said that some hunting has been on private property, that some bucks have been shot illegally and proper care not given to carcasses so the meat was wasted. He said sharp shooters are paid too much. Clayton said from the inception of the program, there was a price on the service, the fact they were working at night, they knew it was a job. There was a price per deer. They used to be paid as contractors. Salamun said Laurenti's time was up. In response to a question from Armstrong, he said the program has been in existence since 1995. With the exception of two years, the program has been in effect every year since it started. The number of deer harvested have been between 100-300. Biegler said the sharp shooters are Rapid City employees. They go through proficiency training with the police department to ensure they should be out there with guns. Armstrong asked how the location is determined for harvesting. Biegler said every October there are three dates where they send out staff with some assistance with GFP. There are four different routes that they look at and survey the numbers in the areas. The deer numbers were up around 38% from last year. GFP makes a recommendation on how many to harvest. The harvesting takes place after January 1<sup>st</sup> and last year took about a week to complete, but it varies every year. All the locations are chosen based on the criteria in the deer management program. There has to be a safe backdrop. They don't shoot in populated neighborhoods. They do pick property that is city property, parks department property, school property or private property where they have received permission from the landowner. Nordstrom asked Biegler about reports of the shooters going rouge. Biegler said he has not heard of these reports. Biegler said there has been, on occasion, a buck being shot but not on purpose. The intent is to take antlerless deer. Biegler said the shooters get \$65 per deer and if there are two shooters, they split the cost. The budget line item allows for bait and ammunition. The shooters do have to bait the location, harvest the deer, field dress the deer, they deliver them to parks and recreation maintenance yard and hang the deer. In the morning the parks and recreation staff, transports the deer to the processor. Nordstrom asked what happens if there is a contract violation. If there is a flagrant violation those people would be removed from the operation. In response to a question from Roberts, Biegler said the shooters submit and invoice to parks and recreation and they paid for the number of deer that they shoot. In response to a question from Roberts, Sumption said there are restrictions on employees as far as what they can and can't do. If it was 1099, it would be strictly contract, not a contracted employee. In response to a question from Roberts, Clayton said the city needs to find a way to pay the sharp shooter as a contractor and not an employee. City is spending money needlessly. It's the job of the city to protect the taxpayer's money. Salamun said Roberts was out of time. Drury gave her time to Roberts. Salamun called for a vote for Roberts to use Drury's time. Motion passed. Roberts said that Sioux Falls allows hunting inside city limits. Clayton said the Ellsworth has employed archery hunters on the base. Roberts said if they allow archery in the city, it won't necessarily be in people's back yards. The city has a huge park system. The city needs to look at this option for cutting costs. Clayton said the sharp shooters do it in the quickest way possible to get a paycheck. Motion was made by Lewis, second by Nordstrom to approve. Lewis said it's too late to change this year. He trusts the parks department and they are doing their best. Laurenti was out of time to speak. Motion passed 9-0.

Salamun read in (PW121217-19) Approve the Appeal of Denied Exception Request from Sperlich Consulting on Behalf of Freeland Meadows, LLC to not construct Country Road with a minimum 36' wide paved surface, curb, gutter, street light conduit, sewer, sidewalk at intersections and grading for sidewalk along developable parcels (City Files 17EX211). Motion was made by Modrick, to approve the appeal of denied exception as recommended by committee, second by Lewis. Modrick said there was terrific dialogue at public works. She stated with this exception this allows the prices of the homes to stay low. She would like support on this motion. In response to a question from Drury, Tech said staff is being consistent in looking at their criteria which is very specific about what the requirements are. He stated the subdivision improvement ordinance which indicates that all right-of-ways adjacent to the development must be constructed to the current standard. Staff is trying to be consistent with what the rules are. Drury asked who pays for the improvements later if they are waived now. Tech said the costs will be passed onto the tax payers later. In response to a question from Drew, Kale McNaboe, the benefit to not putting in curb and gutter is there is a regional detention cell that will occur on this parcel and when the city does a drainage study, they set up a drainage master plan and establish where the city wants their drainage infrastructure to occur at. In this case there is a low-lying area that traverses the property and dead end on Lacrosse Street. Drew asked how much money the developer would save if the requirements weren't constructed. McNaboe said roughly \$1.2 million dollars. Drew said the city was essentially gifting them \$1 million dollars to not require improvements. McNaboe said it typically cost \$25K for roads but if you add the infrastructure you add another \$10K and it makes the housing less affordable. He said the workforce housing cost they are looking building is between \$180K-\$225K. Drew thinks this price range is affordable. She would like to see more one-story homes built. Roberts said they are talking about incentivizing a subdivision, which he thinks they need to do. He thinks the council does need to incentivize developers to build affordable housing in Rapid City. Council should help developers and builders build affordable housing. If we want to compete with Box Elder, Summerset, and Sturgis, we have to help builders and contractors' lower costs. Lewis said they aren't giving anyone a million dollars. The council would be trying to help consumers buy more affordable homes. Nordstrom agrees with Drury because they are kicking the can down the road. Someone will have to pay these costs later. But he agrees with affordable housing. He said they are going to get more of these requests down the road and a task force needs to review these requirements. He asked how they can incentivize but keep costs down. He will support but the motion, but council has to look larger than this. Modrick said the land has no development on it at all and they need to generate property taxes. She said the time will come for curb and gutter later. She said there is no development across the street. Today they need to contribute to the development of this housing project. The city needs the property tax base. Drury said if there are 105 houses proposed then there will likely be 200 cars out there which is a safety issue. She said the development should be built the right way without the exceptions. She said if master plans need to be looked at than change should start there and not at council with all these exceptions. Lewis said staff has to go through design criteria and that's why council has to make the exceptions. He made a suggestion that maybe criteria can be added for future developments if they fall under certain price points to incentivize builders to bring in mixed developments. Lewis is in support of the item. Roberts agreed with Drury that some changes need to be made to the process. Bringing the lots in at this price point is going to keep the price down. No one is going to buy a \$35K lot and put a million dollar house on it. This will bring in the workforce housing at \$200,000 or less. They are moving in the right direction. He thinks council is starting to have vision. They need to find ways to take care of infrastructure and grow the tax base. Drew said there is a sustainability movement that is going toward natural drainage, where you let nature take its course. She said there are some benefits to not paving everything. She said there are some good points on leaving it how it is. Laurenti said that Drury has a good point about changing the design criteria itself, so staff has a chance to tell the applicant they can do this. He said somebody ultimately pays the cost, should it be the developer or the new owners when this gets ordered in. The developer makes more profit if these criteria is waived. Laurenti said the council agreed to say no to exceptions and not approve all these exceptions. Laurenti said if he asked for financials, the developers would say no. He said council will pass the cost on to future owners. He asked council to do it right and vote no. He wants to send the right message. Laurenti said if this developer doesn't do this development now, someone else will. Motion was approved 7-2 with Laurenti and Drury voting no.



Salamun read in item (LF121317-03) Authorize Mayor and Finance Officer to Sign the Joint Powers Agreement between the South Dakota Department of the Military and the City of Rapid City for Tree Thinning on Property Adjacent to West Camp Rapid. In response to a question from Drew, Seals said the land is adjacent to the guard land. They need the agreement in order to have access to west Camp Rapid. She is in favor of the tree thinning. Seals said they get a grant and a lot of funding comes from the Bureau of Land Management and also some city money. Motion was made by Nordstrom, second by Modrick and carried to approve. Nordstrom said he is advocating for private public partnerships. He is in favor of doing more partnerships like this.

**NON-CONSENT ITEMS** – Items 42 – 48

Julia Orrock, majority owner of Black Hills Patrol, spoke on item (LF121317-07). She said that none of the security companies were notified about this proposed change. She stated they strive to comply with the ordinance. She asked why no one was notified. She asked that the item be removed from consent until issues are addressed.

Ken Orrock spoke on item (LF121317-07). He said markings on security vehicles have to be submitted to police chief before approved. He said Chief Allender approved. He stated that Chief Jegeris asked them if markings could be changed. Orrock did not want to change them. He said the markings are visible to the public. He stated that Mayor Hanks put together a security committee over five years ago and the committee spent over six months reviewing the ordinance. Then Chief Allender said no to the ordinance. He said a lot of other changes need to be made to the ordinance other than the vehicle markings. He wants the item to be removed from consent for further discussion.

Brent Borresen spoke on item (LF121317-07). He said he had two points to make. He said the city took pictures of their vehicles behind their back. He said he would have been happy to have them take pictures of the vehicles after they were clean. He said changes to markings are expensive.

Salamun stated that item (LF121317-07) is not on consent, so the item will be addressed and doesn't need to be pulled.

Tonchi Weaver spoke on Item 48. She said through the referendum process Rapid City residents want a vote. She stated that between now and the election they will be posting information on their website. She visited with hundreds of people. She stated everyone will see what the voters want by their vote. She said residents feel oppressed and betrayed.

***Ordinances***

Ordinance 6214 (LF121317-04) An Ordinance Regarding Supplemental Appropriation #5 for 2017. Motion was made by Nordstrom, second by Drew and carried that Ordinance 6214 be placed upon its first reading and the title was fully and distinctly read and second reading be set for Wednesday, December 27, 2017.

Ordinance 6215 (LF121317-05) An Ordinance Regarding Supplemental Appropriation #6 for 2017. Motion was made by Modrick, second by Nordstrom and carried that Ordinance 6215 be placed upon its first reading and the title was fully and distinctly read and second reading be set for Wednesday, December 27, 2017.

Ordinance 6213 (LF121317-01) An Ordinance Amending Chapter 5.36 of the Rapid City Municipal Code Relating to Pawnbrokers, Secondhand Dealers, and Gems and Precious Metals Dealers. Motion was made by Modrick, second by Drury to approve. In response to a question from Drew, Jegeris said the council put a sunset clause on the ordinance and it needed to be updated. Items are required to be photographed to ensure they aren't stolen. Motion carried that Ordinance 6213 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, January 2, 2018.

Ordinance 6216 (LF121317-07) An Ordinance Amending Section 5.52.130 of the Rapid City Municipal Code Relating to Merchant Security Vehicle Identification. Motion was made by Modrick, second by Drew to approve. In response to a question from Modrick, Jegeris said that Black Hills Patrol is aware of the police departments desire to make adjustments to the way the security vehicles look. He said they did not notify the security companies directly because that's what the public notice is for when there is an ordinance change. In response to a question from Modrick regarding how much time the companies will have to change their vehicle identification, Landeen said they would be given a reasonable amount of time. There has not been a specific number of days set. Landeen said he would ask the police department for input on a reasonable amount of time. Modrick said it's important to keep communication open with the business owners, so they can prepare for this. She said the words being requested are words that the public needs to see. The public is relying on private security more and more. The words of private security need to be marked clearly so the public know what they are looking at. In response to a question from Laurenti as to data being generated for this change, Jegeris said there wasn't data but over time they have had concerns with Black Hills Patrol. He said they have been discussing this change since 2011 and the company has been opposed to it since then. The police department is trying to regulate security companies through the city ordinance. Laurenti said he doesn't like to make decisions without data. Jegeris said it has been confusing to the public if Black Hills Patrol is part of the police department or if they are a private service. He said BH Patrol has been confused with the Rapid City Police Department before. Laurenti asked how many situations have been reported in the past five years and Jegeris said between 5-10 have been reported since 2011. Laurenti thinks the BH Patrol vehicles are clearly marked as private patrol. Laurenti asked if there was something else they could have the companies do besides rebrand themselves. Jegeris said the Orrock has made changes to their internal policies which is helpful. If you look at the current ordinance it says vehicles used in merchant security operation must be distinctly marked and uniformed and distinguished from markings of any city police force vehicles. He doesn't believe they are operating under the spirit of the way the ordinance is written. Jegeris asked them to voluntarily change and they won't. Laurenti still didn't think BH Patrol was doing anything wrong. Drury asked how the letter from the Highway Patrol came about. Jegeris said he had a discussion with the captain and he agreed the vehicles for private security should be marked different than law enforcement. Jegeris said the BH Patrol emblem is a cross between the highway patrol and federal forest service emblem. He said tourists come in and it could be confusing to the public. Lewis said this was first reading and these questions can be answered before second reading. Motion passed 7-2 with Laurenti and Roberts voting no.

Ordinance 6212 (No. 17RZ035) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning from No Use District to General Agricultural District for property generally described as being located southwest of E. Highway 44 ; east of South Valley Drive. Motion was made by Nordstrom, second by Drew and carried that Ordinance 6212 be placed upon its first reading and the title was fully and distinctly read and second reading be set for Tuesday, January 2, 2018.

### ***Public Works Committee Items***

Drew 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. (This item was continued from the December 4, 2017 City Council meeting.) Motion was made by Drew, second by Lewis and carried to continue to the January 2, 2018 City Council meeting per the applicant's request.

### ***Staff Items***

Item was read in by Salamun. Presentation of Referral Petitions and Request to set associated Special Election for Tuesday, February 20, 2018. Armstrong asked how much this will cost the taxpayers. Sumption asked to make a short presentation. Sumption said there was 2387 valid signatures and 2249 were needed based on the 5% of the general election. They do need to have a special election and she

has requested it be on February 20, 2018. The auditor's office will work with that and Landeen is working on the language for the ballot. Sumption said she can't say specifically how much this election will cost but the last special election was in 2015 on the civic center issue and that cost over \$60,000. Motion was made by Lewis, second by Roberts and carried to approve.

**PUBLIC HEARING ITEMS** – Items 49 – 54

Tony Marshall spoke on item (17VR008). He said there are infill pockets in Rapid City and he is trying to complete some infill. He stated the major street plan is not perfect near Fairmont Blvd. He said this portion of Rapid City would be improved with a bridge that is estimated at \$6 million.

**CONSENT PUBLIC HEARING ITEMS** – Item 49 – 51

Sumption asked that item 49 be pulled and tabled as the applicant listed the wrong location for their event. Motion was made by Lewis, second by Roberts and carried to table item 49. Youth & Family Services DBA Youth & Family Services for a SPECIAL EVENT Malt Beverage and On-Sale Wine License for an Event Scheduled for February 23 and 24, 2018 at 1920 N Plaza Blvd.

Motion was made by Lewis, second by Drury and carried to approve items 50 and 51.

***Alcohol Licenses***

50. Black Hills Chapter of Germans from Russia Heritage Society DBA Germans from Russia Society for a SPECIAL EVENT Malt Beverage License for an Event Scheduled for March 4, 2018 at Blessed Sacrament Church, 4500 Jackson Blvd
51. RC Boston's Company LLC DBA Ramada, 1902 N LaCrosse Street for a Retail (on-sale) Liquor License TRANSFER from RC Boston Company LLC DBA Boston's Restaurant and Sports Bar, 620 E Disk Drive (Inactive)

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 52 – 54

Ordinance 6204 (No. 17RZ030) an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Storage Place, Inc. for a Rezoning from No Use District to Office Commercial District in conjunction with Planned Development Designation for property generally described as being located southwest of the intersection of Dunsmore Road and Portrush Road having passed its first reading on December 4, 2017 motion was made by Roberts, second by Laurenti that the title be read the second time. Upon vote being taken the following voted AYE: Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts; NO: None; whereupon the Council President declared the motion passed and Ordinance 6204 was declared duly passed upon its second reading.

Ordinance 6211 (No. 17RZ034) an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Dean Hamm Trust for a Rezoning from No Use District to Low Density Residential District II for property generally described as being located southeast of the intersection of Muirfield Drive and Portrush Road having passed its first reading on December 4, 2017 motion was made by Lewis, second by Drury that the title be read the second time. Upon vote being taken the following voted AYE: Drew, Nordstrom, Modrick, Salamun, Lewis, Armstrong, Laurenti, Drury and Roberts; NO: None; whereupon the Council President declared the motion passed and Ordinance 6211 was declared duly passed upon its second reading.

Salamun read in item (17VR008) Approve the request by Sperlich Consulting, Inc. for Tony Marshall to consider an application for a Vacation of Right-of-Way for property generally described as being located northeast of the intersection of Fairmont Boulevard and Tower Road. Motion was made by Modrick, second by Lewis to approve. Modrick said the infill is needed and this is a desirable location. She stated this was an excellent opportunity for more housing to be close to downtown. This bridge to nowhere has

been penciled in for a very long time. She pointed out that Pevans Parkway has development opportunities which could be developed as another out-way at some point especially if the Village at Skyline Pines grows. She stated if they remove the bridge to nowhere and allow this proposed subdivision to proceed forward, we will have more housing and property taxes that we need to have. The bridge was enhanced by the DOT during the Mt. Rushmore Road project and stabilized so it has had some upgrades. There is development that is planned, commercial and residential, up Tower Road. We still have Skyline Drive and Pevans Parkway to get out, as well as to the service road. She thinks now is the time to vacate it and remove it, so this land can be built on. She said it's been 18 years and will be another 18 years if council doesn't clean this map up and allow progress. She is in favor of vacating. Ken Young stated there was a unanimous vote to deny this request at Planning Commission. Lewis called point of order as the council did not ask any questions. Salamun said that the Chair gave him permission to present. Lewis stated that Young needed to be asked a question. Nordstrom said he can ask Young some questions. Nordstrom asked Young to explain the staff report attached for this item. Young said this item deals with a narrow piece of ground (above ground) where a bridge is supposed to go in. He is concerned with the Village at Skyline Pines with 101 patient rooms, 82 rooms at the Comfort Inn, an employer with 260+ employees, a restaurant and vacant property that will develop, with all of this feeding onto one roadway, with one access. They are looking at the need for a secondary access. If the city gives up the right-of-way, they are giving up a secondary access. They need this for safety. There isn't a problem with the Brielle Subdivision but there should be a secondary access. It's the recommendation to not give up right-of-way until the city has a good plan to replace that, which they don't have at this time. Nordstrom is concerned with giving up right-of-way. He doesn't recall seeing anything saying they have to put a bridge in right now. Young said since they don't have another plan in place, they should retain what they do have until it can be replaced. There is substantial need for secondary access in this area. Substitute motion was made by Roberts, second by Lewis to not approve the request to vacate the right-of-way, but they do make a stipulation that the developer does not have to participate in any of the cost of the bridge. Armstrong asked if that was acceptable to the developer. In response to a question from Roberts, Marshall said he could do the development without the vacation of right-of-way, but in the past they needed to get (WORPS) waivers of right to protest. Roberts said they don't do those, that he would need to get a variance. Marshall said it's up to council and look at this practically speaking. Roberts said he doesn't believe this bridge will ever get built, so he doesn't think that this subdivision has to worry about it. Roberts said the only way the bridge will get built is with a CIP project. Roberts said come back in a few years and ask for the vacation again. Marshall said he appreciates the flexibility. He said if the bridge gets built, the taxpayers will pay for it. He stated there is a viable second alternative for access. In response to a question from Laurenti, Young said what they hope to achieve eventually, is to come up with an alternate route for access to the north. He stated the bridge itself is not the issue, its access. Laurenti said he'd like the development to go forward and Young agreed. The city needs another plan for access. Modrick thinks other access points will come about. She asked if the Villas at Skyline Pines will be denied their other phases if there is not a bridge. Young said they won't be denied but the need for secondary access becomes stronger. Modrick still thinks it's a great time to vacate the right-of-way and get it off the books and move forward. Motion passed to deny the request for the vacation of right-of-way but the developer will not be responsible for any future costs of a future, potential bridge. Substitute motion passed 9-0.

**EXECUTIVE SESSION** - To consult with legal counsel regarding pending litigation pursuant to SDCL 1-25-2(3). Motion was made by Drew, second by Drury and carried to go into Executive Session at 8:58 p.m. Motion was made by Lewis, second by Laurenti to come out of Executive Session at 9:15 p.m. with all members present.

**STAFF DIRECTION** - Regarding Epic Outdoor Advertising v. Rapid City Zoning Board of Adjustment. Motion was made by Laurenti, second by Drury to direct the City Attorney to appeal the Circuit Courts decision. Motion carried 7-2 with Lewis and Roberts voting no.

**BILLS**

The following bills have been audited.

BILL LIST - DECEMBER 18, 2017

P/ROLL PERIOD END 11/25/17, PD 12/01/17	1,054,735.48
CDEV P/ROLL PERIOD END 11/25/17, PD 12/01/17	4,863.96
PIONEER BANK & TRUST, 11/25/17 P/ROLL TAXES, PD 12/01/17	261,702.82
CDEV PIONEER BANK & TRUST, 11/25/17 P/ROLL TAXES, PD 12/01/17	1,298.46
WELLMARK INC, HEALTH CLAIMS THROUGH 12/01/17, PD 12/07/17	53,114.50
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/04/17, PD 12/05/17	1,593.13
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/11/17, PD 12/12/17	2,671.34
SOUTH DAKOTA RETIREMENT SYSTEM, NOV17 RETIREMENT, PD 12/05/17	477,242.32
SD RETIREMENT SYSTEM, SPECIAL PAY PLAN- HUBER, R PD 12/01/17	45.00
BERKLEY ASSIGNED RISK SERVICES, NOV17 CLAIMS, PD 12/06/17	51,078.76
US BANK, CREDIT CARD CHARGES, PD 11/30/17	29,324.07
BOEHM'S EXTERIORS, REHAB ESCROW DRAW - RENSCH M	1,530.67
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 12/13/17	54,255.44
BLACK HILLS ENERGY, ELECTRICITY, PD 12/13/17	44,775.15
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 12/06/17	610.46
COMPUTER BILL LIST	4,383,168.13
CDEV COMPUTER BILL LIST	73,530.13
SUBTOTAL	6,495,539.82
RSVP, P/ROLL PERIOD END 11/25/17, PD 12/01/17	3,347.23
RSVP, PIONEER BANK & TRUST, 11/25/17 P/ROLL TAXES, PD 12/01/17	985.67
RSVP, COMPUTER BILL LIST	44.20
TOTAL	6,499,916.92

Sumption presented the bill list total of \$6,499,916.92. Motion was made by Laurenti, second by Lewis and carried to authorize (No. CC121817-01) 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 Lewis and carried to adjourn the meeting at 9:17 p.m.

Dated this 18th day of December, 2017.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Officer  
(SEAL)

\_\_\_\_\_  
Mayor