

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

March 5, 2018

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, March 5, 2018 at 6:30 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, Becky Drury and John Roberts, the following Alderpersons arrived during the course of the meeting: NONE and the following were absent: NONE.

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Carla Cushman, Public Works Director Dale Tech, Police Chief Karl Jegeris, Fire Chief Rod Seals, Community Development Director Ken Young, Parks and Recreation Director Jeffrey Biegler, Energy Plant Manager Gunar Dzintars, Human Resources Manager Brandi Christensen, Building Official Brad Solon, Administrative Secretary Angie Boeve and Administrative Coordinator Heidi Weaver-Norris

ADOPTION OF AGENDA

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

AWARDS AND RECOGNITIONS

Mayor Allender and Gunar Dzintars recognized the retirement of Tim Beshara, Energy Plant Operator III who has given over 40 years of service to the City of Rapid City.

NON-PUBLIC HEARING ITEMS -- Items 2 – 43

CONSENT ITEMS – Items 2 – 34

The following items were removed from the Consent Items:

16. 18TP002 – Acknowledge the 2017 traffic Count Book.
20. LF022818-06 – Approve Resolution No. 2018-021 a Resolution Supporting the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
24. LF022818-03 – Acknowledge January 2018 General Fund Cash Balance Report

Motion was made by Salamun, second by Drew, and carried unanimously to approve items 2-34 as they appear on the Consent Items with the exception of Items 16, 20, and 24.

Approve Minutes

2. Approve Minutes for the February 20, 2018 Regular Council meeting.
3. Approve Minutes for the February 26, 2018 Special Council meeting.
4. Approve Minutes for the February 27, 2018 Special Council meeting.

Alcoholic Beverage License Applications Set for Hearing (March 19, 2018)

5. Eni Tulistiya DBA Hana Restaurant, 3550 Sturgis Rd for a Retail (on-off sale) Malt Beverage License and Retail (on-off sale) Wine License TRANSFER from Hana Corp. DBA Hana, 3550 Sturgis Rd
6. Rapid City Chamber of Commerce DBA Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for April 10, 2018 at Black Hills Corporation / Black Hills Energy, 7001 Mt. Rushmore Road

7. Rapid City Chamber of Commerce DBA Rapid City Chamber of Commerce for a SPECIAL EVENT Off-Sale Package Wine and Off-Sale Package Malt Beverage license for an event scheduled for April 28, 2018 at Best Western Ramkota, 2111 N. LaCrosse Street
8. Special Olympics South Dakota DBA Special Olympics South Dakota for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for April 7, 2018 at Black Hills Harley Davidson, 2820 Harley Drive

Public Works Committee Consent Items

9. PW022718-01 – Approve Change Order #4F to Scull Construction Services for Fire Station 5 Improvements, Project No.12-2073 / CIP No. 51158 for an increase of \$1,126.51.
10. PW022718-02 – Approve Change Order 2F to Muth Electric, Inc. for Elk Vale Road & Minnesota Street Traffic Signal Improvements, Project No. 16-2352 / CIP No. 51047 for a decrease of \$7,153.55.
11. PW022718-03 – Authorize Staff to Advertise for Bids for 2018 Street Patching, Project No. 17-2411 / CIP No. 50844. Estimated Cost: \$300,000.00.
12. PW022718-04 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and FMG Engineering for Professional Engineering Services for Perrine and Unnamed Tributary Drainage Basin Design Plans (DBDPs) Amendments – Phase 1, Project No. 18-2430 / CIP No. 51189.1 in the amount of \$46,918.00.
13. PW022718-05 – Authorize Mayor and Finance Officer to Sign Letting Authorization, Utilities Certification, and Right-of-Way Certification for City Project No. 14-2170 / CIP No. 50866, State Projects NH 0044(00)45 PCN 0515 and P 1774(00)06 PCN 02SF.
14. PW022718-06 – Approve Acceptance of Infrastructure for Haines Avenue Water and Sewer Extension, Muth Properties - DEV17-1356.
15. PW022718-07 – Authorize Staff to Purchase one (1) 2018 Dodge Ram 1500 4x4 Extended Cab Short Box Pickup. Liberty Superstore will honor the state bid #17149.
17. 18TP006 – Acknowledge the 1-90 Exit 61 to Exit 67 Corridor Study Final Report.
18. PW022718-10 – Authorize Mayor and Finance Officer to Sign Midco Business Service Orders for increase in bandwidth to improve internet access at the following locations: 1901 Mt. View Road (Cemetery Office) - \$260/month; 515 West Boulevard (Parks and Rec Office) - \$280/month; and 625 Jackson Boulevard (Meadowbrook Golf Course) - \$275/month.
19. PW022718-11 – Authorize Staff to Advertise for Bids for Parks Parking Lots Improvements, Project PR18-2408.

Legal & Finance Committee Consent Items

21. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jami Carpenter (Parks & Recreation), Demetrius Ross (RSVP+)
22. LF022818-01 – Acknowledge December 2017 Sales Tax Report
23. LF022818-02 – Approve Resolution No. 2018-017A a Resolution Fixing Time and Place for Hearing on Assessment Roll for Sidewalk Repairs SWK16-2344

RESOLUTION No. 2018-017
RESOLUTION FIXING TIME AND PLACE FOR
HEARING ON ASSESSMENT ROLL FOR
SIDEWALK REPAIR PROJECT SWK16-2344

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

1. The Assessment Roll for Sidewalk Repair was filed in the Finance Office on the 5th day of March 2018. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 2nd day of April 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 5th day of March 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

- 25. LF022818-07 – Acknowledge FY2017 Annual Financial Report
- 26. LF022818-04 – Approve Resolution No. 2018-018 Creating New Positions of Civic Center Scheduling Coordinator, Civic Center Technician Assistant, and Assistant Public Works Director

RESOLUTION NO. 2018-018
RESOLUTION TO AMEND THE CITY OF RAPID CITY
COMPENSATION PLAN BY ESTABLISHING NEW POSITIONS

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 Civic Center Scheduling Coordinator, Civic Center Technician Assistant, and Assistant Public Works Director 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 to 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 PAY SCALE:

Position Title & Job Code	Pay Scale	Grade	FLSA Classificat ion	SALARY RANGE	
				Min	Max

Civic Center Scheduling Coordinator (CCSC)	Non-Union	10	Exempt	\$32,721.59	\$49,302.44
Civic Center Technician Assistant (CCTA)	Non-Union	12	Exempt	\$36,118.26	\$54,420.81
Assistant Public Works Director (APWD)	Non-Union	25	Exempt	\$83,626.83	\$126,002.80

Dated this 5th day of March 2018.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

27. 18TP010 – Authorize Mayor and Finance Officer to Sign the Professional Services Agreement with KLJ, Inc. for the East Rapid City Traffic and Corridor Analysis Study in an Amount not to Exceed \$183,066.05

Bid Award Consent Items

28. No. CC030518-02.1 – Award Current Model Year Tandem Dump Truck for the Water Department / Utility Maintenance Division to Eddie's Truck Sales/Northern Truck Equipment in the amount of \$141,898.00 as the bidder with no deviations to the specifications.
29. No. CC030518-02.2 – Award Current Model Year Tandem Dump Truck for the Water Reclamation / Storm Drainage Division to Eddie's Truck Sales/Sanitation Products in the amount of \$145,863.00 as the bidder with no deviations to the specifications.
30. No. CC030518-02.3 – Approve award of total bid for E Saint James and Cherry – Pavement Rehabilitation Project, Project No. 17-2417 / CIP No. 50549 opened on February 27, 2018 to the lowest responsible bidder J&J Asphalt Company, in the amount of \$238,521.00.
31. No. CC030518-02.4 – Approve award of Total Bid, contingent on South Dakota State DENR concurrence and approval, for East Rapid City Water Expansion Mesa View Estates Subdivision, Radar Hill Road and Morris Lane Water Extensions Project , Project No. 14-2198 / CIP No. 50964.F opened on February 27, 2018 to the lowest responsible bidder, Highmark, Inc. in the amount of \$720,384.82
32. No. CC030518-02.5 – Approve award of Total Bid for Omaha Trunk Sewer Replacement First Street to Maple Avenue, Project No. 17-2423 / CIP No. 50878.1 opened on February 27, 2018 to the lowest responsible bidder Highmark, Inc., in the amount of \$1,099,467.12.
33. No. CC030518-02.6 – Approve award of total bid for Concrete Repair Project - Sheridan Lake Road, Project No. 17-2422 / CIP No. 50445 opened on February 27, 2018 to the lowest responsible bidder, Tru Form Construction, Inc. in the amount of \$277,318.00.
34. No. CC030518-02.7 – Approve award of total bid for Soo San Drive – Pavement Rehabilitation Project, Project No. 17-2415 / CIP No. 50798 opened on February 27, 2018 to the lowest responsible bidder Simon Contractors of SD, Inc., in the amount of \$214,371.47.

END OF CONSENT ITEMS

Mayor read in item (18TP002) Acknowledge the 2017 Traffic Count Book. In response to a question from Drew, Tech said the traffic count book can be found on the city website under Community Development, Metropolitan Planning Organization and Traffic Count Book. He stated this book is updated every year. Motion was made by Nordstrom, second by Salamun and carried to acknowledge.

Mayor read in item (LF022818-06) Approve Resolution No. 2018-021 a Resolution Supporting the Principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Motion was made by Drury, second by Modrick to approve. In response to a question from Drury, Brandi Christensen confirmed that the city already follows all of the federal laws relating to discrimination. She said the resolution does not change anything that the city already does. Christensen stated the city's anti-discrimination policy prohibits discrimination in all forms of protected classes, not just gender. They provide a safe environment for the employee if any claims are brought forward so there is no fear of retaliation. Nordstrom thanked Paulette (Rowdy) Schenck for her efforts on this resolution. Schenck said she appreciated everyone for listening to them. She thanked DIA, Members of Democracy, AAUW, Buffalo Girls and Gather the Women for their help in making CEDAW more public. Drew said women need to demand equality and she is proud to be part of passing the resolution. Suzan Nolan stated that if the resolution passes that Rapid City will be one of 18 cities in the United States that have the resolution. Nolan thinks the resolution sends a message that the city wants a community that supports women and children. Drew thanked Nolan and said she is proud to be part of a council that has a 50/50 gender split. Schenck added that she wanted to bring women to the forefront. She said CEDAW could be a blueprint for how to offer and extend opportunities to women and young girls. Motion carried.

Resolution No. 2018-021

A RESOLUTION SUPPORTING THE PRINCIPLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW) BY THE CITY OF RAPID CITY

WHEREAS, The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted by the United Nations General Assembly on December 18, 1979, became an international treaty as of September 3, 1981, and 189 UN member nations of out 194 have agreed to be bound by CEDAW's provisions; and

WHEREAS, CEDAW provides a comprehensive framework for the public and private sectors to examine their policies and practices in relation to women and girls, specifically in relation to gender discrimination; and

WHEREAS, local governments have an appropriate and legitimate role in affirming the importance of eliminating all forms of discrimination against women and girls in their communities by applying the universal norms and guidelines as specified by CEDAW; and

WHEREAS, there is a need to strengthen existing local mechanisms, institutions and procedures and to provide adequate resources, commitment and authority to (1) advise on the impact of local government policies on women and girls; (2) comprehensively monitor the situation of women and girls in recognition of the interconnectedness of discrimination based on gender, race and other social criteria; and (3) help formulate new policies and ways to effectively carry out strategies and measures to eliminate discrimination.

THEREFORE BE IT RESOLVED that the City of Rapid City supports the Convention of the Elimination of All Forms of Discrimination Against Women (CEDAW) Coalition and the efforts brought forth by Democracy in Action (DIA), with support of other local organizations, to bring light to this item; and

THEREFORE BE IT FURTHER RESOLVED that the City of Rapid City is committed to eliminating all forms of violence against women and girls, to promoting the health and safety of women and girls, and to affording them equal academic, economic, and business opportunities in Rapid City, South Dakota.

APPROVED AND ADOPTED this 5th day of March 2018 by the City of Rapid City.

Dated this 5th day of March 2018.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Mayor read in item (LF022818-03) Acknowledge January 2018 General Fund Cash Balance Report. In response to a question from Scott, Sumption confirmed there was a negative overall cash balance. Sumption said the first of two property tax payments is forthcoming. She said the first payment for April property taxes will be received in May. Sumption said the city has its highs in November and May for cash balances on a normal basis. There are some fluctuations when there are good sales tax months. Typically the cash balance will be up to \$6 million dollars in May. Motion was made by Scott, second by Lewis and carried to acknowledge the report.

NON-CONSENT ITEMS – Items 35 – 43

Brad Solan, Building Permit Coordinator, addressed the council regarding item LF022818-05. He said if anyone has a grievance or argument with contractors, the city, or an inspector they present their appeal to him. He said this ordinance has two parts. One is in regard to timelines. The second part is who can appeal. Solon stated he worked with Kinsley Grote in the City Attorney's Office on timelines. He said contractor's licenses are not deactivated without code violations. All complaints are taken seriously and dealt with on an individual basis. If the ordinance does not pass, he will follow the ordinance currently in place. He asked council to send the item back to Legal and Finance if they decide to deny it, in order to address the 22 day appeal deadline.

Ordinances

Ordinance No. 6236, (18OA009) An Ordinance to Amend Chapter 12.08 of the Rapid City Municipal Code to Accommodate Goals for Pedestrian Oriented Streets in the Urban Commercial District having passed its first reading on February 20, 2018, motion was made by Salamun, second by Roberts, 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 No. 6236 was declared duly passed upon its second reading.

Ordinance No. 6237, (18OA010) An Ordinance to Amend Section 12.12.110 of the Rapid City Municipal Code to Authorize the City to Maintain Parkways in Downtown Areas having passed its first reading on February 20, 2018, motion was made by Drury, 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 No. 6237 was declared duly passed upon its second reading.

Ordinance 6226, (18RZ001) an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dana Forman of KLJ for South Dakota Game Fish and Parks for a Rezoning from Low Density Residential District to Public District for property generally described as

being located northwest of the intersection of Knutson Lane and Sturgis Road. Motion was made by Salamun, second by Drew and carried that Ordinance No. 6226 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 19, 2018.

Ordinance 6238, (18RZ003) 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 General Commercial District to Urban Commercial District for property generally described as being located east of 4th Street to South Dakota School of Mines Campus, south of railroad tracks north of Kansas City Street. Motion was made by Drew, second by Drury and carried that Ordinance No. 6238 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 19, 2018.

Ordinance 6239, (18RZ004) 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 High Density Residential District to Urban Commercial District for property generally described as being located south of East St. Joseph Street between Maple Avenue and Birch Avenue. Motion was made by Drew, second by Nordstrom and carried that Ordinance No. 6239 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 19, 2018.

Ordinance 6240, (18RZ005) 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 Light Industrial District to Urban Commercial District for property generally described as being located north of Main Street between East Boulevard and Maple Avenue. Motion was made by Nordstrom, second by Drury and carried that Ordinance No. 6240 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, March 19, 2018.

Mayor read in item (LF022818-05) Ordinance 6225, an Ordinance to Amend Provisions Concerning Appeals to the Building Board of Appeals by Amending Sections 15.04.120 and 15.04.130 of the Rapid City Municipal Code. Salamun directed questions to Assistant Attorney Cushman. He said one of the biggest concerns is to ensure citizens have due process with their contractor. He asked if the due process is abundantly clear in this ordinance. Cushman said the ordinance already talked about an appeal to the Building Board of Appeals. Salamun clarified that all code items will still go to the Board of Appeals and non-code items can be handled by the courts or mediation to work out their issues. Cushman agreed. Salamun said he would support the new ordinance. Nordstrom asked Solan if it was building inspections responsibility to explain to the complainant if their complaint falls into a code violation or another area. Solan said that was correct. If there is a code violation, building inspection would investigate it. The City will not be the mediator in disputes that do not pertain to code violations. Solan said if a complaint is denied, the person has 22 days to appeal that, than the Board of Appeals has to hear the appeal within another 22 days. In response to a question from Nordstrom, Cushman confirmed the time frame and said it was approved by City Staff and the Appeals Board. Motion was made by Laurenti, second by Lewis and carried that Ordinance No. 6225 be placed upon its first reading and the title was fully and distinctly read.

Public Works Committee Items

Drew read in item (PW022718-08) Appeal of Denied Exception Request from Prairie Valley Development Company, LLC to Waive the Requirement to Construct Curb, Gutter, Sidewalk and Street Light Conduit in Receda, Abelia and Mondo Streets (City File 18EX016), one Exception denied by staff out of two total Exceptions submitted for the project. Drew said she was originally in favor of denying the exceptions but visited the property and now thinks it is a good candidate for natural drainage. She said she does not like to go against staff recommendation. However, this situation is the least expensive and natural way to make sure the city continues to grow. She thinks the criteria manual needs to be updated. She said she was in favor of approving the exceptions. Nordstrom said he visited the site with Mr. Martin. He stated that people were walking on the streets and he would feel more comfortable if there were sidewalks out there for them. He is concerned that future homeowner's will get assessed for these improvements if

they are not done now. He does not think this is country living. He thinks this is an urban area, with flat ground, and it will take a lot of work to get the water to a detention pond. Drury was not able to visit the site. She said the city has already made substantial improvements to the area by putting in sewer and water. She was told it would take an additional \$10,000 per lot to install curb and gutter. She said she looked into the cost herself and got an estimate of \$6,000 per lot. She does not like overriding the city employee recommendations. She stated that Mr. Martin likely knew he would be asked to do the improvements, so he should have financially planned to do them. She does not want to approve appeals in the name of affordable housing, work force housing or economic development. She thinks it's just another way to pass these problems down to another council to deal with later and she won't do that. She speculated the developer was trying to save themselves a half a million dollars by not doing the improvements. She won't vote to approve the exceptions. Modrick appreciates Drury's perspective because policies, procedures, guides and manuals are important and valuable. Modrick said the current manual started getting put together in the early 2000's and finally got approved in 2012, by that point, the city had changed. She thinks the manual needs to be revised. She doesn't want to get in the habit of overturning the manual but there are certain things that don't fit in the box. She is in favor of approving the exceptions. In response to a question from Roberts, Mr. Martin said when he purchased the property it was under a PUD and his development would have worked under that land designation. During the process of approving the criteria manual, Martin got stuck with the changes which were different than when he purchased the property. Roberts said he would vote to approve the appeal. In response to a question from Roberts, Martin said the price point per lot is \$35K-\$40K. He said there are zero lots right now below \$42,900 and those are for .16 to .18 acres. There is nothing above .20 acres for that price. Roberts said he is in favor of the development and natural drainage. In response to a question from Laurenti, Tech said as he understands it, the original development for all of the lots had a rural drainage scheme. The applicant is proposing to provide a rural section with road ditches and such, which connects with what has already been built out there. It is also upstream from what was previously built, so an urban section with curb and gutter would fit as well. He cautioned the council that natural drainage doesn't mean that it's maintenance-free; in fact, if you have road ditches with culverts and such, there is more maintenance on that than on curb and gutter. He said the drainage will work out, but the city criteria mixes right-of-way with drainage concerns. The criteria is not set up to have a rural section out there with the right-of-way widths that are in the criteria manual. This is one of the biggest issues they see with a rural drainage pattern. Young added in relation to the criteria and the manual that the city currently has in place, he thinks it needs to be reviewed and possibly amended. Young thinks the criteria manual issues should be addressed before approving a lot of appeals. In response to a question from Drew, Tech said this property is outside of city limits and the city will not be required to do any maintenance until it is annexed into the city limits. He said the maintenance will still be necessary and somebody will have to take care of it. When issues come up out there, he believes the property owners will call the City of Rapid City for approving the subdivision in this manner. Motion was made by Lewis, second by Armstrong to approve the appeal. Upon vote being taken, the following voted AYE: Drew, Modrick, Salamun, Lewis, Armstrong and Roberts; NO: Scott, Nordstrom, Laurenti and Drury. Motion passed 6-4.

Community Planning & Development Services Department Items

Motion was made by Drew, second by Modrick and carried to approve (18PL003) A request by FMG Engineering for Peco Kid LLC for a Preliminary Subdivision Plan for proposed Lots A and B of Lot 3 of Tract C of Rushmore Center, generally described as being located east of Luna Avenue, south of Rushmore Crossing with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for the 45 foot wide Access and Utility Easement shall be submitted for review and approval showing the easement with a minimum width of 70 feet and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the plat document shall be revised to show a non-access easement along the north lot line adjacent to the Access and Utility Easement; 2. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer shall be submitted for review and approval if subdivision

improvements are required. The drainage plan and report shall address storm water quantity control and storm water quality treatment in conformance with the Infrastructure Design Criteria Manual and the Rapid City Municipal Code. In addition, easements shall be provided as needed; 3. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual and a grading plan shall be submitted for review and approval if subdivision improvements are required; 4. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed, permits required 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; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 6. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 7. Upon submittal of a Final Plat application, the plat document shall be revised to show a shared approach on Lot B to provide access to Lot A as per the applicant's site plan. In addition, a non-access easement shall be dedicated along Lot A as it abuts Luna Avenue; 8. Upon submittal of a Final Plat application, the plat title shall be revised to read "Lots 3A and 3B of Tract C of Rushmore Center"; 9. Upon submittal of a Final Plat application, the plat shall be revised to show an 8 foot wide minor drainage and utility easement along the common lot line between Lots A and B of Lot 3 or a note shall be added identifying the easement along the common lot line; 10. 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, 11. 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).

PUBLIC HEARING ITEMS – Items 44 – 56

CONSENT PUBLIC HEARING ITEMS – Items 44 – 45

Motion made by Lewis, second by Laurenti and carried to approve Consent Public Hearing Items 44-45.

Alcohol Licenses

44. Naja Shrine Temple for a SPECIAL EVENT On-Sale Dealer License for an Event Scheduled for March 17, 2018 at Rapid City Shrine Center, 4091 Sturgis Rd
45. Rapid City Extended Stay Inc. DBA Staybridge Suites Rapid City Rushmore, 1314 Luna Avenue for a Retail (on-off sale) Wine License and a Retail (on-off sale) Malt Beverage License

NON-CONSENT PUBLIC HEARING ITEMS – Items 46 – 56

Mayor read in item (No. CC030518-04.1) Acknowledge Presentation and Public Hearing for SRF Application pertaining to the "East Rapid City Water System Expansion. Morgan Falcone, City Project Engineer and Bill Lass, Black Hills Council of Local Government gave the presentation and public hearing. Falcone gave the history of the project. The 2014 project started with council authorization and SRF/Grant funding was awarded in 2014. The need for the project consisted of inadequate public water systems for Valley View Estates, Mesa View Estates and Terra Cotta Estates. There was also no water supply to the Rapid City Water Reclamation Facility, and rural homes within Longview Sanitary District: in all, more than 250 potential customers. Falcone reviewed the various project alternatives – including costs of each – that were originally considered to address these needs. The solution in 2014 was to connect to the City of Rapid City Water System at an estimate project cost of \$7,126,000.00 per the original Facilities Plan. Water main construction is complete for the Water Reclamation Facility, Prairiefire-Southside Drive, Valley View and Radar Hill Road North and Morris Lane PRV Station. The remaining projects consist of Morris Lane Cul-de-Sac, Radar Hill Road, Mesa View Estates and Anderson Road. Lass stated he is helping the city put together the funding application, which is called a drinking water facilities funding application. It is submitted to the DENR and the deadline is April 1, 2018.

Once the application is submitted, it can be funded from two different sources. The primary source is called the Drinking Water SRF which is the State Revolving Fund (SRF) loan program, which is federal money that comes from the EPA. The State makes low interest loans from this fund as well as principle forgiveness. The other fund is a pool of State dollars called the Consolidated Water Facilities Construction Program (CWFCP). They can make low interest loans as well as grants. They can do a combination of awards from both of the programs. The amount of SRF Loan expected to be borrowed is up to \$950,000.00. Revenue Source Pledged for loan repayment is the Water Enterprise Fund. There was an East Rapid user surcharge adopted to pay back the Water Enterprise Fund. (This was established by Resolution 2016-072 on November 8, 2016). The interest rate is 2.25% and loan term is 20 years. Falcone explained the effect of proposed project user rates. She stated that this project will not impact existing water rates for existing Rapid City ratepayers outside the East Rapid City Water Users Region. The East Rapid City water users will reimburse the Water Enterprise Fund for the SRF loan by means of a surcharge. The East Rapid City water users will pay a surcharge of \$65/month plus City rates for water used. The additional funding requested will extend the length of time the surcharge will need to remain in place. Motion was made by Nordstrom, second by Salamun to (No. CC030518-04.1) Acknowledge Presentation. Nordstrom thanked everyone involved in this project. He was thankful to have water at the Water Reclamation facility. In response to a question from Nordstrom, Falcone said the state has put together a funding package for the original \$7,126,000.00 and forgave over 65% of the loan through principal forgiveness and consolidated grant. She stated the loan is being fronted by the water enterprise fund which is being paid back by the East Rapid user surcharge fee. Those users also pay their regular water bill on top of the \$65 surcharge per month. There is no impact on City of Rapid City ratepayers. In response to a question from Laurenti regarding the 20 year loan term, Falcone said if a new development would come into that area, and want city water, those property owners would be paying the surcharge as soon as they have their water turned on. In response to a question from Scott, Falcone said the \$65 surcharge fee is paying off the balance of the loan. Alderman Scott asked if the balance was the \$2.6 million loan. Falcone responded yes. In response to a question from Scott, Dale Tech, stated they anticipate a portion of the new loan to be principally forgiven. Lass said they would know if any amount will be forgiven by the end of June 2018. Tech said they were very conservative with their calculations and don't anticipate the loan going over 20 years. Tech added that if more users hook up to the city water, that is more people paying the \$65 surcharge per month, which will pay off the loan even sooner. Carla Cushman, Assistant City Attorney, reminded the mayor they need a public comment period. Mayor acknowledged the reminder. Mayor called for open public comment at 7:53 p.m. There being no public comment, Mayor closed the public comment at 7:54 p.m. He thanked Falcone and Lass for the presentation. Motion carried to acknowledge.

Mayor read in item (No. PW022718-09) Approve Resolution No. 2018-022 A Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests. East Rapid City Water Expansion, Project No. 13-2107 / CIP No. 50964. In response to a question from Scott, Tech said the \$950,000 will be a loan. The city will pay the loan with the money they collect from the surcharge. There will be no reserve money being used. Motion was made by Lewis, second by Roberts and carried to approve.

RESOLUTION NO. 2018-022

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Rapid City (the "City") has determined it is necessary to proceed with improvements to its Municipal Water System, including expansion of the water system to a number of semi-rural residential developments and areas east of the City and west of the airport with these foregoing improvements otherwise known by the project title "East Rapid City Water System Expansion Project" (the "Project");

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$950,000.00 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Rapid City, South Dakota, this 5th day of March, 2018.

Dated this 5th day of March 2018.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Ordinance 6227, (18RZ002) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by TSP, Inc. for South Dakota School of Mines and Technology Foundation for a Rezoning from High Density Residential District to Office Commercial District for property generally described as being located at 324 E. Kansas City Street, 613 Birch Avenue and 615 Birch Avenue having passed its first reading on February 20, 2018, motion was made by Modrick, second by Salamun, 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 No. 6227 was declared duly passed upon its second reading.

Ordinance No. 6228, (18OA001) An Ordinance Amendment to Title 17 of the Rapid City Municipal Code by adding Chapter 17.66, Urban Commercial District having passed its first reading on February 20, 2018, motion was made by Drew, second by Drury, 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 No. 6228 was declared duly passed upon its second reading.

Ordinance No. 6229, (18OA002) an Ordinance to Include Definitions for the Urban Commercial District by Amending Section 17.04 of the Rapid City Municipal Code having passed its first reading on February 20, 2018, motion was made by Salamun, second by Drury, 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 No. 6229 was declared duly passed upon its second reading.

Ordinance No. 6230, (18OA003) an Ordinance Amendment to Title 17 of the Rapid City Municipal Code by amending Chapter 17.06 having passed its first reading on February 20, 2018, motion was made by Drew, second by Lewis, 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 No. 6230 was declared duly passed upon its second reading.

Ordinance No. 6231, (18OA004) an Ordinance to Amend Section 17.50.050 of the Rapid City Municipal Code to Allow for Administrative Dissolution of Planned Developments having passed its first reading on February 20, 2018, motion was made by Drury, second by Nordstrom, 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 No. 6231 was declared duly passed upon its second reading.

Ordinance No. 6232, (18OA005) an Ordinance Amendment to Modify Section 17.50.070 of the Rapid City Municipal Code having passed its first reading on February 20, 2018, motion was made by Nordstrom, second by Drew, 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 No. 6232 was declared duly passed upon its second reading.

Ordinance No. 6233, (18OA006) an Ordinance to Amend the Sign Code to Incorporate On-Premises Signage Rules for the Urban Commercial District by Amending Section 17.50.100 of the Rapid City Municipal Code having passed its first reading on February 20, 2018, motion was made by Modrick, second by Drury, 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 No. 6233 was declared duly passed upon its second reading.

Ordinance No. 6234, (18OA007) an Ordinance to Establish Parking Requirements for the Urban Commercial District by Amending Section 17.50.270 of the Rapid City Municipal Code. Nordstrom stated he was contacted by an unidentified individual asking about the 1.5 parking space minimum that he read about in the Rapid City Journal. Nordstrom said that 1.5 parking spaces is the minimum requirement that a contractor can install in a residential area. Young confirmed that was correct. Nordstrom said more parking spaces can be put in but that 1.5 was the minimum. Having passed its first reading on February 20, 2018, motion was made by Drew, 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 No. 6234 was declared duly passed upon its second reading.

Ordinance No. 6235, (18OA008) an Ordinance to Amend Landscape Regulations to Incorporate the New Urban Commercial District by Amending Section 17.50.300 of the Rapid City Municipal Code having passed its first reading on February 20, 2018, motion was made by Nordstrom, 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 No. 6235 was declared duly passed upon its second reading.

EXECUTIVE SESSION - Pursuant to SDCL 1-25-2(3) to consult with legal counsel regarding pending litigation. Motion was made by Modrick, second by Drury and carried to go into Executive Session at 8:02 p.m. Motion was made by Drury, second by Armstrong and carried to come out of Executive Session at 8:49 p.m. with all members present, except Chad Lewis.

BILLS

The following bills have been audited:

BILL LIST - MARCH 5, 2018

P/ROLL PERIOD END 02/17/18, PD 02/23/18	1,146,022.56
P/ROLL PERIOD END 02/28/18, PD 02/28/18	1,500,566.70
CDEV P/ROLL PERIOD END 02/17/18, PD 02/23/18	4,986.24
PIONEER BANK & TRUST, 02/17/18 P/ROLL TAXES, PD 02/23/18	272,559.76
PIONEER BANK & TRUST, 02/28/18 P/ROLL TAXES, PD 02/28/18	406,462.46
CDEV PIONEER BANK & TRUST, 02/17/18 P/ROLL TAXES, PD 02/23/18	1,319.93
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN18 SALES TAX PAYABLE PD 02/20/18	40,016.95
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN18 EXCISE TAX PAYABLE PD 02/20/18	58.01
SOUTH DAKOTA DEPARTMENT OF REV JAN18 CCTR SALES TAX PAYABLE PD 02/20/18	19,945.37
WELLMARK INC, HEALTH CLAIMS THROUGH 02/16/18, PD 02/22/18	52,489.91
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/20/18, PD 02/21/18	7,685.60
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/26/18, PD 02/27/18	5,981.70
SD RETIREMENT SYSTEM, SPECIAL PAY PLAN- BESHARA, T PD 02/26/18	45.00
BANK WEST, TID47 TOWER RD, PD 02/22/18	5,993.77
BANK WEST, TID54 RAINBOW RIDGE, PD 02/22/18	15,703.23
BANK WEST, TID56 RUSHMORE CROSSING, PD 02/22/18	124,810.69
BANK WEST, TID65 MINNESOTA ST, PD 02/22/18	15,291.29
BANK WEST, TID69 NORTH FIRE STATION, PD 02/22/18	442,590.82
CITY OF RAPID CITY, TID39 ANAMOSAR GROUP LLC, PD 02/22/18	5,033.18
CITY OF RAPID CITY, TID42 ELK VALE/TIMMONS, PD 02/22/18	1,756.65
CITY OF RAPID CITY, TID56 RUSHMORE CROSSING, PD 02/22/18	23,773.46
CITY OF RAPID CITY, TID64 CABELA'S, PD 02/22/18	18,302.32
CORTRUST BANK, TID38 HEARTLAND RETAIL CENTER, PD 02/22/18	87,740.02
FIRST INTERSTATE BANK, TID39 ANAMOSAR GROUP LLC, PD 02/22/18	5,033.18
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 02/22/18	20,937.10
SODAK DEVELOPMENT, TID68 HOMESTEAD, PD 02/22/18	3,466.33
BLACK HILLS ENERGY, ELECTRICITY, PD 02/26/18	27,673.25
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 02/26/18	31,612.80
COMPUTER BILL LIST,	1,752,779.15
CDEV COMPUTER BILL LIST	4,776.25
SUBTOTAL	6,045,413.68
RSVP, P/ROLL PERIOD END 02/17/18, PD 02/23/18	3,405.62
RSVP, PIONEER BANK & TRUST, 02/17/18 P/ROLL TAXES, PD 02/23/18	1,000.74
RSVP, COMPUTER BILL LIST	183.18
TOTAL	6,050,003.22

Sumption presented the bill list of \$6,050,003.22. Motion was made by Laurenti, second by Armstrong and carried to authorize (No. CC0305168-01) 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 Salamun and carried to adjourn the meeting at 8:52 p.m.

Dated this 5th day of March, 2018.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)