

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

October 20, 2014

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, October 20, 2014 at 6:30 P.M.

The following members were present, Alderpersons: Amanda Scott, Darla Drew, Charity Doyle, Jerry Wright, Brad Estes, Ritchie Nordstrom, John B. Roberts, and Steve Laurenti; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Mayor Sam Kooiker, Ron Weifenbach and Chad Lewis. Council President Wright chaired the meeting.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Public Works Director Terry Wolterstorff, Community Planning and Development Services Director Brett Limbaugh, Police Chief Karl Jegeris, Assistant Fire Chief Jason Culberson, Parks and Recreation Director Jeff Biegler and Administrative Secretary Heidi Weaver-Norris.

**ADOPTION OF AGENDA**

The agenda was amended as follows:

- Item 37A recognition of donation related to cemetery by Alderman Wright

Motion was made by Scott, second by Drew and carried to adopt the agenda as amended.

**GENERAL PUBLIC COMMENT**

Jerry Munson addressed the Council regarding their recent spending. He did not think tax payer money should be spent on an erosion study for \$25,000.00 along the bike path. He expressed the money is better spent fixing the problem and not just study it. He contacted the Corp. of Engineers to inquire about what it takes to fix portions of the bike path. He feels that Council should be more open to public suggestion and not always go by Department Head recommendations.

**CONSENT ITEMS –**

The following items were removed from the Consent Items:

19. No. 14PL058 – Kepp Heights Subdivision No. 3 - A request by City of Rapid City, Alex DeSmidt to consider an application for an **H-Lot** for Lot H1 of Kepp Heights Subdivision No. 3, located in Section 11, T1N, R7E, legally described as Lot 15 of Kepp Heights Subdivision No. 3, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Intersection of Skyline Drive and Flormann Street.
20. No. PW101414-18 – Acknowledge Bikepath Assessment Report – Lon Van Deusen.
22. No. LF101514-02 – Approve the Formation of Civic Center Executive Task Force
36. No. CC102014-02.2 - Approve award of Total Base Bid for Ice Sanding Material opened on October 14, 2014 to the lowest responsible bidder, Pete Lien & Sons Inc., in the amount of \$110,000.00.

Motion was made by Estes, second by Laurenti and carried unanimously to approve Items 1 – 37 as they appear on the Consent Items with the exception of Items 19, 20, 22, and 36.

***Approve Minutes***

1. Approve Minutes for the October 6, 2014 Regular Council meeting.

**Alcoholic Beverage License Applications Set for Hearing (November 3, 2014)**

2. Slainte LLC DBA Murphys Bar & Grill II, 510 9th Street for a Retail (on-sale) Liquor License TRANSFER from Two Lefties & Panchos Mexican Grille DBA Pancheros Mexican Grill, 1221 West Omaha (Inactive)
3. Fresh Start Convenience Stores Inc DBA Don's Valley Express, 3343 N Haines Ave for a Package (off-sale) Liquor License TRANSFER from Carol Enterprises Inc DBA Don's Valley Express #3, 3343 N Haines Avenue
4. Fresh Start Convenience Stores Inc DBA Don's Valley Market, 747 Timmons Blvd for a Package (off-sale) Liquor License TRANSFER from Carol Enterprises Inc DBA Valley Liquor, 747 Timmons Blvd
5. Fresh Start Convenience Stores Inc DBA Don's Valley Express, 4030 Cheyenne Blvd for a Package (off-sale) Malt Beverage License TRANSFER from Carol Enterprises Inc DBA Don's Valley Express, 4030 Cheyenne Blvd

**Public Works Committee Consent Items**

6. No. PW101414-02 – Approve Change Order #2F to RCS Construction for ASA Softball – Parkview Addition, Project No. 12-2043 / CIP No. 50937, for an increase of \$4,843.00 and 15 days to the contract time.
7. No. PW101414-03 – Approve Change Order #1F to Hills Materials Co. for Pavement Rehabilitation Project – Kingswood & Ridgeview Areas, Project No. 14-2163 / CIP No. 50844, for an increase of \$2,934.92.
8. No. PW101414-04 – Approve Change Order #1F to Mainline Contracting for Pevans Parkway Sanitary Sewer Main Reconstruction, Project No. 14-2200 / CIP No. 51042, for a decrease of \$4,156.48.
9. No. PW101414-05 – Authorize Staff to Advertise for Bids for Maple Avenue and Disk Drive Intersection Reconstruction, Project No. 14-2169 / CIP No. 51024. Estimated Cost: \$557,000.00.
10. No. PW101414-06 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – Ram Lane and Chief Drive, Project No. 14-2162 / CIP No. 50844. Estimated Cost: \$150,000.00.
11. No. PW101414-07 – Authorize Staff to Advertise for Bids for Residential Garbage and Recycling Totes. Estimated Cost: \$75,000.00.
12. No. PW101414-09 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Ferber Engineering Company, Inc. for Baldwin Street Reconstruction Wentworth to Wedgewood Project 14-2189 and Baldwin Street Reconstruction Wedgewood to S. Berry Pine Project 14-2190, in the amount of \$374,915.00.
13. No. PW101414-10 – Authorize Mayor and Finance Officer to Sign Amendment No. 3 to Agreement between the City of Rapid City and FMG Inc., Dakota Drive Watermain Reconstruction, Project No. W10-1894 / CIP No. 50399, in the amount of \$32,900.00.
14. No. PW101414-11 – Authorize Mayor and Finance Officer to Sign Amendment between Advanced Engineering and Environmental Services, Inc. and the City of Rapid City for Pavement Rehabilitation Project – 1<sup>st</sup> & 2<sup>nd</sup> Streets. Project No. 14-2204 / CIP No. 50844 in the amount of \$4,314.00.
15. No. PW101414-12 – Authorize Mayor and Finance Officer to Sign Amendment No. 3 to 2011 Storm Damage Recovery Project #12-2016 with Upper Deck Architects for an increase of \$39,559.50.

- 16. No. PW101414-13 – Approve Acceptance of Infrastructure for Saint Martin’s Village, Good Samaritan, Phase 2 Water and Sewer – DEV12-1089.
- 17. No. PW101414-14 – Renewal of Contract with G.J. Holsworth and Son Inc. for Snow Removal Operations for one year for City Lots 4, 5, 6-2, 7, 8 and 9.
- 18. No. PW101414-15 – Approve Change Order No. 1 to Duininck, LLC, for Meadowbrook Golf Course Bunker Improvements Project, PR12-6101, for an increase of 20,582.25.

**Legal & Finance Committee Consent Items**

- 21. No. LF101514-01 – Confirm the Appointment of Merton B. Tice, Jr. for a Three Year Term to the Rapid City Human Relations Commission
- 23. No. LF100114-11 – Authorize Mayor and Finance Officer to Sign Memorandum of Understanding Between the City of Rapid City and the Pennington County Sheriff’s Office Regarding Detoxification Services
- 24. No. LF101514-03 – Request from Police Department to increase FTE count by one (1) additional police officer in 2015 utilizing previously approved funding for 2015 COPS Hiring Grant
- 25. No. LF101514-04 – Resolution No. 2014-097 Declaring Certain Real Property Generally Located Along South Highway 16 and Promise Road Surplus for Purposes of Disposing of Such Property

Resolution #2014-097

RESOLUTION DECLARING CERTAIN REAL PROPERTY GENERALLY LOCATED ALONG SOUTH HIGHWAY 16 AND PROMISE ROAD SURPLUS FOR PURPOSES OF DISPOSING OF SUCH PROPERTY.

WHEREAS, the properties described below were acquired by the City of Rapid City in 1999 for purposes of constructing Station 6 for the Rapid City Fire Department; and

WHEREAS, the fire station only covers a portion of the property which was acquired; and

WHEREAS, the City desires to sell the properties as they are no longer needed for the fire station; and

WHEREAS, the below-described property is no longer necessary, useful or suitable for municipal purposes or the purposes for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED, that the following property be declared surplus and disposed of according to state statutes:

City of Rapid City

Property at Promise Road  
Parcel ID#: 3723351007  
Tax ID: 60207  
Legal Description: Lot 4  
Subdivision: Owen Hibbard Subdivision  
Total Acres: 6.12

City of Rapid City

Property at 6121 S Highway 16  
Parcel ID#: 3723351008

Tax ID: 60208  
Legal Description: Lot 5  
Subdivision: Owen Hibbard Subdivision  
Total Acres: 1.22

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law; and

BE IT FURTHER RESOLVED, any proceeds from the disposal of said properties shall be placed in the Capital Improvement Program Fund and shall be designated for the design of new Station 1 and/or Station 2.

Dated this 20th day of October, 2014.

CITY OF RAPID CITY  
s/ Sam Kooiker  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

26. No. LF101514-06 – Resolution No. 2014-094A Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2014-094A  
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 20th day of October 2014. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 17th day of November 2014 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 20th day of October, 2014.

CITY OF RAPID CITY  
s/ Sam Kooiker  
Mayor

ATTEST:  
s/ Pauline Sumption

Finance Officer

(SEAL)

- 27. No. LF101514-08 – Acknowledge August 2014 Sales Tax Report
- 28. No. LF101514-09 – Resolution No. 2014-096 Updating Petty Cash Funds, Change Funds and Travel Funds

RESOLUTION 2014-096

A RESOLUTION TO UPDATE PETTY CASH FUNDS, CHANGE FUNDS AND TRAVEL FUNDS

WHEREAS, the City Council previously adopted Resolution 2014-003 Establishing and Re-Establishing Petty Cash Funds, Change Funds and Travel Funds; and

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the Rapid City Fire & Emergency Services Department has requested an additional \$250 Fire Administration Petty Cash Fund and a \$2,000 Fire/EMS Travel Fund to operate the department more efficiently; and

WHEREAS, the following changes to the existing change, petty cash and travel funds are to be made:

Library	Petty Cash	increase to \$250
Library	Copier Change Fund	increase to \$75
Parks & Rec	Parkview Admission CF	increase to \$300
Parks & Rec	Parkview Concession CF	reduce to \$175
Parks & Rec	Hilton Admission CF	increase to \$300
Parks & Rec	Hilton Concession CF	reduce to \$175
Parks & Rec	Horace Mann Concessions CF	reduce to \$0
Public Works	Solid Waste Disposal CF	increase to \$500*
Public Works	Traffic Engineering Petty Cash	reduce to \$0

NOW, THEREFORE, BE IT RESOLVED, that an additional petty cash fund be established for the Rapid City Fire & Emergency Services Department in the amount of Two Hundred Fifty Dollars (\$250) and additional travel fund be established for the Rapid City Fire & Emergency Services Department in the amount of Two Thousand dollars (\$2,000); and

BE IT FURTHER RESOLVED, that the City Finance Officer is authorized to issue a Treasurer's Check to establish the additional funds for the Rapid City Fire & Emergency Services departments and for the additional One Hundred Dollars (\$100) for the Solid Waste Disposal Change Fund\*.

Dated this 20th day of October, 2014.

CITY OF RAPID CITY  
s/ Sam Kooiker  
Mayor

ATTEST:  
s/ Pauline Sumption

Finance Officer

(SEAL)

- 29. No. LF101514-10 – Approve Change Order Tyler Technology Contract Increase \$15,500 for Conversion of Employee Personnel Files from the City’s File Director Legacy System into the Tyler Munis HR System
- 30. No. LF101514-11 – Approve Change Order Tyler Technology Contract Increase \$1,000 for 2015 Payroll Tax Table Updates
- 31. No. LF101514-12 – Resolution No. 2014-098 Authorizing the Execution and Delivery of a Master Governmental Lease-Purchase Agreement and Supplement No. 370946-404 Thereto with Respect to the Acquisition, Purchase, Financing and Leasing of Certain Equipment for the Public Benefit; Authorizing the Execution and Delivery of Documents Required in Connection therewith; and Authorizing the Taking of All Other Actions Necessary to the Consummation of the Transactions Contemplated by this Resolution

Resolution 2014-098

A RESOLUTION OF THE GOVERNING BODY OF CITY OF RAPID CITY , AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER GOVERNMENTAL LEASE-PURCHASE AGREEMENT AND SUPPLEMENT NO. 370946-404 THERETO WITH RESPECT TO THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT FOR THE PUBLIC BENEFIT; AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

WHEREAS, City of Rapid City (the "Lessee"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public entity of the State of South Dakota is authorized by the laws of the State of South Dakota to purchase, acquire and lease personal property for the benefit of the Lessee and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the Lessee desires to purchase, acquire and lease certain equipment constituting personal property necessary for the Lessee to perform essential governmental functions; and

WHEREAS, in order to acquire such equipment, the Lessee proposes to enter into that certain Master Governmental Lease-Purchase Agreement (the "Agreement"), and Supplement No. 370946-404 thereto (the "Supplement" and together with the Agreement, the "Lease"), each with Wells Fargo Equipment Finance, Inc. (the "Lessor"), the forms of which have been presented to the governing body of the Lessee at this meeting; and

WHEREAS, the governing body of the Lessee deems it for the benefit of the Lessee and for the efficient and effective administration thereof to enter into the Supplement as provided in the Agreement for the purchase, acquisition and leasing of the equipment to be therein described on the terms and conditions therein provided:

Now, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the governing body of Lessee as follows:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and the Supplement are hereby approved in substantially the forms presented at this meeting. with such insertions, omissions and changes as shall be approved by the Mayor and Finance Officer of the Lessee or other members of the governing body of the Lessee executing the same, the execution of such documents being conclusive evidence of such approval; and the Mayor and Finance Officer of the

Lessee is hereby authorized and directed to execute, and the Mayor and Finance Officer of the Lessee is hereby authorized and directed to attest and countersign, the Agreement and the Supplement and any related Exhibits attached thereto and to deliver the Agreement and the Supplement (including such Exhibits) to the respective parties thereto and the Mayor and Finance Officer of the Lessee is hereby authorized to affix the seal of the Lessee to such documents.

Section 2. Other Actions Authorized. The officers and employees of the Lessee shall take all action necessary or reasonably required by the parties to the Agreement and the Supplement to carry out, give effect to and consummate the transactions contemplated thereby (including the execution and delivery of an acceptance certificate with respect to the Supplement, as contemplated in the Agreement) and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement and the Supplement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, the Supplement nor any other instrument shall be construed with respect to the Lessee as incurring a pecuniary liability or charge upon the general credit of the Lessee or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, the Supplement or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Lessee or any charge upon its general credit or against its taxing power, except to the extent that the rental payments payable under the Lease are special limited obligations of the Lessee as provided therein.

Section 4. Appointment of Authorized Lessee Representatives. The Mayor and Finance Officer of the Lessee are each hereby designated to act as authorized representatives of the Lessee for purposes of the Agreement and the Supplement until such time as the governing body of the Lessee shall designate any other or different authorized representative for purposes of the Agreement and the Supplement.

Section 5. Severability. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 6. Repealer. All bylaws, orders and resolutions or parts thereof, inconsistent herewith, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order, resolution or ordinance or part thereof.

Section 7. Effective Date. This Resolution shall be effective immediately upon its approval and adoption.

ADOPTED AND APPROVED by the governing body of the Lessee this 20th day of October, 2014.

City of Rapid City , as Lessee  
s/ Sam Kooiker  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer  
(Seal)

32. No. LF101514-13 – Resolution No. 2014-089 to Approve Adding .50 Full Time Equivalent (FTE) to Mayor’s Office Headcount per Approved 2015 Budget

RESOLUTION NO. 2014-089  
RESOLUTION TO APPROVE ADDING .50 FULL TIME EQUIVALENT (FTE) TO MAYOR’S OFFICE  
HEADCOUNT

WHEREAS, the Mayor’s Office has requested that an additional .50 FTE be added to the Department’s budgeted headcount in order to provide the necessary services within the City of Rapid City by allowing for greater maintenance capabilities, better coordination among staff, and improved efficiency; and

WHEREAS, this additional .50 FTE has been approved in the 2015 budget; and,

WHEREAS, this additional .50 FTE will be added as an Administrative Secretary; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to hereby authorize the Mayor’s Office FTE headcount to increase from 3 to 3.50.

Dated this 20th day of October, 2014.

CITY OF RAPID CITY  
s/ Sam Kooiker  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)

- 33. No. 14TP034 – Authorize Mayor and Finance Officer to Sign the 2015 Draft Unified Planning Work Program for the Rapid City Area Metropolitan Planning Organization

**Continued Consent Items – Continue the following items until November 17, 2014:**

- 34. Main Street Square for a SPECIAL EVENT Wine and Malt Beverage License for a Special Event scheduled for May 28, 2015, June 4, 2015, June 11, 2015, June 18, 2015, June 25, 2015, July 2, 2015, July 9, 2015, July 16, 2015, July 23, 2015, July 30, 2015, August 6, 2015, August 13, 2015, August 20, 2015 and August 27, 2015 (14 individual events) on 526 Main Street between 5th Street and 7th Street and Main Street and Apolda Street (location map)

**Bid Award Consent Items**

- 35. No. CC102014-02.1 - Approve award of Total Base Bid for Operated Equipment Rental for Street Snow Removal Operations opened on October 14, 2014 to the following contractors on an on-call basis: Beka Construction, Hills Materials Company, J&J Asphalt, Site Work Specialists, Mainline Contracting and Straight Forward Services.

END OF CONSENT ITEMS

Jerry Munson spoke to the council regarding the assessment report (No. PW101414-18). He didn’t feel enough information was provided at the Public Works meeting regarding the report. He took photos of the bike path and presented them to the Council. The photos showed 2-3 inches of drop off from the path to the ground in some areas. He’s not satisfied with the safety of the bike path and would like work to be done to correct the safety hazards. He would like Council to prioritize public safety.

Motion was made by Scott, second by Doyle to (No. 14PL058) Approve Kepp Heights Subdivision No. 3 - A request by City of Rapid City, Alex DeSmidt to consider an application for an H-Lot for Lot H1 of Kepp Heights Subdivision No. 3, located in Section 11, T1N, R7E, legally described as Lot 15 of Kepp Heights Subdivision No. 3, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located Intersection of Skyline Drive and Flormann Street. In response to a question from Scott, Jeff Biegler stated their department would go out for bids after H Lot is approved. He stated construction would begin in the spring 2015. Motion carried unanimously, 8-0.



Motion was made by Scott, second by Nordstrom to (No. PW101414-18) Acknowledge Bikepath Assessment Report – Lon Van Deusen. Scott said that the full report was available online. Scott clarified that there is a Parks and Recreation advisory board that does help prioritize projects. Biegler said there were 6 areas of concern in the report and four of them are being looked at by the engineering company currently. He said that three areas along the bike path are in severe need of repair and those areas are near Billion Kia, the Fairgrounds and behind the Fish Hatchery. In response to a question from Scott, Biegler stated that many portions of the bike path need improvement but that they are concentrating on the category-one improvements at this time. Biegler does feel that some of the drop-off areas that are more than two inches do need to be filled in. In response to a question from Nordstrom, Biegler said he is looking into the Trail Partnership Program for volunteers to help with projects like this. Drew said she would be willing to check into some options for volunteer help from the National Guard. In response to a question from Doyle, Landeen said each instance on the bike path is going to be a case by case basis regarding liability. In response to a question from Estes, Biegler said the City is looking into alternate brighter lighting options for the tunnels. Wright suggested that Biegler get with the Mayor and Mr. Munson to make sure all of his concerns have been discussed. Motion carried unanimously, 8-0.

Motion was made by Nordstrom, second by Laurenti to (No. LF101514-02) Approve the Formation of Civic Center Executive Task Force. In response to a question from Drew, Landeen clarified that they did have 30 months from the date the settlement agreement is signed to comply with the ADA improvements that are currently needed. Landeen explained updates will be given by the task force when needed. He indicated that the smaller group would be more concise and would be able to keep the projects going without delays, which sometimes happens with larger groups. He believes all stakeholders will be well represented. Nordstrom said the members that were chosen will give good feedback and have good direction. He doesn't want this to be just "another" task force. Sumption clarified that one of the first goals of the task force is appoint a chair. She said there will be a few council members on the task force and they will keep the other council members informed of changes or issues that come up. Motion carried unanimously 8-0.

Motion by Nordstrom, second by Laurenti to (No. CC102014-02.2) Approve award of Total Base Bid for Ice Sanding Material opened on October 14, 2014 to the lowest responsible bidder, Pete Lien & Sons Inc., in the amount of \$110,000.00. Motion carried 7 to 1, with Scott abstaining.

### **NON-CONSENT ITEMS**

Hani Shafai (Request staff to obtain financials for Rocker Square 1 and Rocker Square 2) spoke on misinformation given at the Legal and Finance meeting regarding the future TIF they will be applying for. He explained that people have a misconception regarding the interest rate for the TIF versus what the Finance Office interest rate is. Interest rates approved by TIF committee, are not the same as the bank interest rate. He explained that the difference doesn't go to the developer. He said he is willing to supply whatever one-on-one information the council needs regarding this project but is unclear as to what that information is.

Chad McDonald (No. 14RS004) would like to keep the trim on his house as is without having to replace it with scalloped trim as requested by the Historic Preservation Commission.

Dan Senftner (No. PW101414-08) stated that the Legacy Park Commons opened ten days ago. He estimated about 3000 people have visited the park since it opened. He is proposing public parking where the old tennis courts are, south of Central High School. The study they had done recommended 310 parking spaces. He would like the City to allow Destination Rapid City to move forward with this project.

Charles Bredthauer (No. PW101414-16) bought land through a tax sale but wasn't aware he couldn't build on it. He had a meeting with Dale Tech and Tech said the lot needs to be kept as a retention pond. Bredthauer doesn't want to pay for sidewalks for land that he can't use. He would like some expenses

paid for by the City and possibly deed the property back to the City. Otherwise he may let the taxes go delinquent and the county can have the property back.

Alderman Wright (Item 37A) acknowledged a story the Rapid City Journal did on needed repairs to the Mountain View Cemetery. There were donations given to the City by Isis Hospitality (The Bradsky Family) and Dakota Foundation (Ray Hillenbrand) to help with repairs. Wright wanted to thank those families for their generous donations.

### **Ordinances**

Ordinance No. 6015, (No. LF100114-20) An Ordinance to Consolidate Provisions Related to the Municipal Gross Receipts Tax, Codify the Use of Revenue, and Appoint A Promotion Agency by Repealing Sections 3.16.040 and 3.16.060E and Adding Chapter 3.18 to the Rapid City Municipal Code. Having passed its first reading on October 6, 2014 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, Doyle, Wright, Estes, Nordstrom, Roberts, and Laurenti; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6015 was declared duly passed upon its second reading.

Ordinance No. 6014, (No. LF101514-16) Supplemental Appropriation No. 3 for 2014. Motion was made by Nordstrom, second by Estes and carried that Ordinance No. 6014 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2014.

Ordinance No. 6018, (No. LF101514-17) An Ordinance to Consolidate the City's Vision and Capital Improvement Funds into Separate Accounts Within a Unified Fund by Amending Chapter 3.16 of the Rapid City Municipal Code. Motion was made by Nordstrom, second by Laurenti that Ordinance No. 6018 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, November 3, 2014. Nordstrom pointed out that the item was not linked to the online agenda and copies were available at the dias. Substitute motion by Scott, second by Drew to continue this item to the November 3, 2014 Council meeting in order to review the ordinance further since they were only given the ordinance today. Landeen suggested that if the Council would like the item continued, that they should continue the second reading and not the first reading. It will give Council two weeks to review the ordinance and contact Landeen with questions before the second reading is approved. Nordstrom would like to approve and let the Legal and Finance Committee have the first real discussion and dissect this. Landeen requested to be contacted with questions or concerns by the next Council meeting so it doesn't hold it up anymore. Estes wants to work with Landeen on the exact wording. Motion failed 3 to 5 with Scott, Drew and Laurenti voting aye. Landeen explained he met with the Chamber of Commerce and they discussed having one citizen committee, instead of three citizen committees in order to streamline the process. (Landeen spoke of the 5 year plan and the Civic Center expansion) He said they could possibly consider changes to CIP Committee along with this ordinance if they choose. Regarding the current CIP committee, Sumption said all council members are voting parties but in the past, only five members have been appointed to be at the meetings. She indicated that certain Department Heads are members of the committee but not all departments get a vote, so not everyone is given an equal voice. Motion to approve passes 6 to 2, with Scott and Drew voting no.

### **Community Planning & Development Services Department Items**

Motion was made by Nordstrom, second by Laurenti to approve (No. 14PL054) A request by Renner and Associates, LLC for ETC Venture LLC for a Preliminary Subdivision Plan for proposed Lot A Revised, Lots 15 thru 25 of Block 3, Lots 21 thru 40 of Block 4, Lot 2 of Block 8 and Lots 5 thru 17 of Block 14 of Copperfield Vistas Subdivision, legally described as a portion of the SE1/4 of the NW1/4, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Summerfield Drive with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, the preliminary plat document shall be revised to address redline comments. Upon submittal of a Development Engineering Plan application, the revised plat document

along with the redlined comments shall be returned to the Community Planning & Development Services Department; 2. Upon submittal of a Development Engineering Plan application, construction plans for Homestead Street shall be submitted for review and approval showing the street located within a minimum 68 foot wide right-of-way and constructed with a minimum 34 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Summerfield Drive and Conservation Way shall be submitted for review and approval showing the streets located within a minimum 52 foot wide right-of-way 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 Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, written documentation shall be submitted verifying Rapid Valley Sanitary District's acceptance of plans and agreement(s) for water main installation and reservoir improvements. In addition, the written documentation shall verify that Rapid Valley Sanitary District has adequate fire flow and sewer capacity to serve Lots 5, 6 and 7 of Block 14; 5. Upon submittal of a Development Engineering Plan application, sewer plans and design report prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The sewer plan and design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. Utility easements shall also be secured as needed; 6. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show a 12 foot wide Major Drainage Easement along the south lot line of Lot 15, Block 3; 7. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. The utility plans shall also be reviewed and approved by the South Dakota Department of Environment and Natural Resources. The private utility layout plan shall also be submitted to the respective utility companies. 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; 8. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 9. 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, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Motion by Nordstrom, second by Roberts to approve (No. 14PL055) A request by Sperlich Consulting for Jay and Mandi Schmierer for a Preliminary Subdivision Plan for proposed Lot 4A and Lot 4B of Block 2 of Vista Hills No. 2, legally described as Lot 4 of Block 2 of Vista Hills No. 2, located in Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4967 Skyview Drive with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Skyview Drive shall be submitted for review and approval showing the street constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved Exception(s) shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, an on-site water plan prepared by a Professional Engineer shall be submitted for review and approval showing that the soils are suitable for on-site wastewater systems. The on-site wastewater plan shall be designed in accordance with Chapter 13.20 of the Rapid City Municipal Code for on-site wastewater disposal and treatment; 3. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The water plan and analysis shall demonstrate that the water service is adequate to meet estimated

domestic flows and required fire flows. In addition, utility easements shall be secured as needed; 4. Upon submittal of a Development Engineering Plan application, geotechnical analysis and pavement design shall be submitted for review and approval if subdivision improvements are required; 5. 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 shall be submitted for review and approval if subdivision improvements are required; 6. Prior to Development Engineering Plan approval, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer; 7. 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; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Prior to submittal of a Final Plat application, the existing shed shall be relocated and/or removed from the property to prevent straddling the proposed lot line. The shed shall not be located on proposed Lot 4A since a principal structure does not exist on this lot. If the shed is located on Lot 4B with the existing residence, then all setback requirements shall be met; 10. Prior to submittal of a Final Plat application, a Wild Land Fuels Mitigation and Management Plan shall be prepared and executed pursuant to Rapid City Fire Department requirements; 11. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

#### ***Legal & Finance Committee Items***

Motion by Nordstrom, second by Scott to deny the Request for staff to obtain financials for Rocker Square 1 and Rocker Square 2 and copies of the purchase contracts for Rocker Square 2 regarding possible TIF for apartments on St. Joseph Street. Laurenti explained the TIF was originally denied at the TIF committee and it was appealed to the Planning Commission. At the TIF committee meeting, Mr. Shafai offered to give financial information. Laurenti believes the more information collected and reviewed, the better. Scott feels it premature, since the item is going to the Planning Commission. Estes agrees it's premature to get the financials. In response to a question from Estes, Eric LeBron said he has met with Planning and is few documents short of getting the certification met for the Rocker 1 TIF. In response to a question from Estes, Shafai explained no revenue would be generated on the first floor of Rocker 2 because those will be common areas for students which include laundry. In response to a question from Doyle, Shafai said he was not clear on what to supply as far as financials. He would be in favor of sharing any information one-on-one, that they need. Shafai stated the County was in favor of the TIF but the City was not and he's not sure why. In response to a question from Doyle, Shafai said the two TIF's are separate projects with two different layouts. Shafai supplied the Council with the current lease agreement with the School of Mines. Roberts agrees with Scott that the financial are premature, noting that the projects are completely different so the financials will be different. Laurenti thinks having all the information is important. Nordstrom believes financials are premature. Estes called the question. Motion to deny carried 7 to 1 with Laurenti voting no.

Motion was made by Nordstrom, second by Laurenti to Deny (No. 14RS004) Appeal of the Historic Preservation Commission's Stipulation to Preserve Scalloped Trim at 1725 9<sup>th</sup> Street. In response to a question from Roberts, Chad McDonald stated it would cost approximately \$518.00 to buy the scalloped trim and that does not include the cost to replace the gutters. In response to a question from Laurenti, McDonald said he did originally agree to put the scalloped trim on but wasn't aware at the time that it would have to be custom made or of the increased cost to do so. In response to a question from Doyle, Ms. Keslaff (with Historic Preservation) said the scalloped trim is part of the conformity guidelines of

Historic Preservation. Estes believes the Historic Preservation treated the owner fairly and he should have complied with replacing the scalloped trim. Appeal is denied 8-0.

Motion was made by Nordstrom, second by Laurenti to table (No. LF101514-05) Resolution No. 2014-093 Declaring Certain Real Property Generally Located West of West Boulevard North, South of Custer Street and North of Van Buren Street Surplus for Purposes of Disposing of Such Property. Motion carried unanimously, 8-0.

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

Motion by Scott, second by Laurenti to approve (No. PW101414-08) Authorize Mayor and Finance Officer to Sign Addendum to Agreement Between the City of Rapid City and Destination Rapid City for Construction and Development of Memorial Park Promenade and Approve Updated West Memorial Park Implementation Plan. In response to a question from Scott, Senftner explained the first phase is the parking lot and the beautification of that corner. Wolterstorff said the second phase is the beautification enhancements from 8<sup>th</sup> Street to I-90. Phase one construction will include the parking lot and be paid for by Destination Rapid City, and the City will pay for the bike path extensions, storm water improvements and beautification in the second phase. He explained that a TAP grant has been applied for and the City is waiting for the results on that. Generally, the design would be done in 2015 and the funds would be available in 2016. In response to a question from Roberts, Landeen said this agreement falls within state guidelines regarding park use. In response to a question from Roberts, Senftner stated that traffic on Omaha was not a concern since it is 160 feet away from the playground area. He feels the playground area is safe. Drew expressed her support for the project. Motion carried unanimously, 8-0.

Scott introduced (No. PW101414-16) Discussion on Sidewalk for Parcel ID: 3713329016 on Middle Valley. Doyle explained the conditions of the property and that it cannot have a house built on it. She stated it is drainage property. In response to a question from Doyle, Wolterstorff said the sidewalk needs to be ordered in. Motion by Estes, second by Drew to order in the sidewalk with staff consultation and possibly purchase the lot from the landowner. After a site visit, Estes said the property will remain a drainage pond the rest of its life. In response to a question from Laurenti, Wolterstorff said the purpose of the lot is for storm water detention. Landeen wants to talk to landowner to see if a title can be signed over to the City without purchasing it. Substitution motion by Scott, second by Laurenti to order in the sidewalk. Nordstrom, supports staff negotiations with the landowner in order to prevent the taxes going delinquent. Roberts wants to make sure future developers don't just leave lots without sidewalks that are unbuildable. Limbaugh stated there are currently development agreements to take care of these types of lots so these problems don't happen in the future. In response to a question from Wolterstorff, Scott said there should be a completion date of April 30, 2015. Motion carried unanimously, 8-0.

### **CONSENT PUBLIC HEARING ITEMS**

Motion was made by Scott, second by Estes and carried to approve Items 47 – 54 as they appear on the

#### ***Alcohol Licenses***

47. Rapid City Downtown Association for a SPECIAL EVENT Wine and Malt Beverage License for a Special Event scheduled for October 28, 2014 at Fairmont Creamery Mall, 201 Main Street, Suite 300 (excluding Hay Camp Brewery)
48. Rapid City Area Chamber of Commerce for a SPECIAL EVENT Wine and Malt Beverage License for a Special Event scheduled for November 20, 2014 at Mazda Mitsubishi, 600 Cambell Street
49. Dakota's Best Wine & Gifts LLC DBA Dakota's Best Wine & Gifts LLC, 818 Main Street for a Package (off sale) Malt Beverage & SD Farm Wine License
50. Mini Mart Inc DBA Loaf 'N Jug #443, 3106 W Main Street for a Package (off-sale) Liquor License TRANSFER from Orris Enterprises Inc DBA Vino 100 & Tinder Box, 520 7th Street #520
51. Mini Mart Inc DBA Loaf 'N Jug #446, 2700 Hwy 44 East for a Package (off-sale) Liquor License TRANSFER from Smiths Liquor Gallery Inc DBA Smiths Liquor Gallery Inc, 2218 Jackson Blvd, Suite 1

- 52. Mini Mart Inc DBA Loaf 'N Jug #447, 1601 N Haines Ave for a Package (off-sale) Liquor License TRANSFER from Dakotas Best & Brown Bag Deli Inc DBA Dakota's Best & Brown Bag Deli, 818 Main Street
- 53. Rapid City Library Foundation for a SPECIAL EVENT Wine License for a Special Event scheduled for November 4, 2014, December 2, 2014 and January 6, 2015 at Rapid City Public Library-Downtown, 610 Quincy Street

**Assessment Rolls**

- 54. No. LF101514-07 – Resolution No. 2014-078B Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2014-078B  
 RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTY

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

- 1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
- 2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
- 3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed five percent (5%).

Dated this 20th day of October, 2014.

CITY OF RAPID CITY  
s/ Sam Kooiker  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS**

Ordinance 6012 (No. 14RZ009), An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City from Medium Density Residential District to Public District for property generally described as being located south of Anamosa Street between Wilsie Avenue and Blaine Avenue having passed its first reading on October 6, 2014 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, Doyle, Wright, Estes, Nordstrom, Roberts, and Laurenti; NO: None; whereupon the Council President declared the motion passed and Ordinance No.6012 was declared duly passed upon its second reading.

**BILLS**

The following bills have been audited:

BILL LIST - OCTOBER 20, 2014

P/ROLL PERIOD END 10/04/14, PD 10/10/14	922,646.90
CDEV P/ROLL PERIOD END 10/04/14, PD 10/10/14	3,006.33
PIONEER BANK & TRUST, 10/04/14 P/ROLL TAXES, PD 10/10/14	226,935.01
CDEV PIONEER BANK & TRUST, 10/04/14 P/ROLL TAXES, PD 10/10/14	215.55
WELLMARK INC, HEALTH CLAIMS THROUGH 10/01/14, PD 10/09/14	107,223.48
WELLMARK INC, HEALTH CLAIMS THROUGH 10/10/14, PD 10/16/14	134,705.24
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/06/14, PD 10/07/14	3,599.48
WAGE WORKS, SECTION 125 CLAIMS THROUGH 10/13/14, PD 10/14/14	1,879.07
BLACK HILLS POWER, ELECTRICITY, PD 10/14/14	15,355.50
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 10/14/14	31,437.12
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 10/15/14	28,809.82
BERKLEY RISK ADMINISTRATORS, SEPT14 CLAIMS, PD 10/01/14	51,628.23
BERKLEY RISK ADMINISTRATORS, PREFUNDING, PD 10/06/14	40,000.00
1ST NATIONAL BANK IN SIOUX FALLS, CLEAN WATER SRF #6 PRINC, INT, PD 10/07/14	84,583.36
1ST NATIONAL BANK IN SIOUX FALLS, DRINKING WATER SRF #2 PRINC, INT, PD 10/07/14	80,280.17
COMPUTER BILL LIST	5,036,687.89
SUBTOTAL	6,768,993.15
RSVP, P/ROLL PERIOD END 10/04/14, PD 10/10/14	3,127.58
RSVP, PIONEER BANK & TRUST, 10/04/14 P/ROLL TAXES, PD 10/10/14	238.13
RSVP, ITY-HEALTH INSURANCE TRUST, SEPT14 HEALTH	1,010.00
RSVP, METROPOLITAN LIFE INSURANCE COMPANY, OCT14 LIFE	7.34
RSVP, SIMPSON'S PRINTING, 300 RECOGNITION PROGRAMS	369.00
RSVP, WESTERN MAILERS, MAIL NEWSLETTERS	128.25
RSVP, WOW!, 394-2508 SEPT14 PHONE	14.13
TOTAL	6,773,887.58

Sumption requested to add the following payment: Hills Materials in the amount of \$5,949.60. Sumption presented the new bill list total of \$6,779,837.18. Motion was made by Scott, second by Doyle and carried to authorize (No. CC102014-01) 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 Estes, second by Scott and carried to adjourn the meeting at 9:15 p.m.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Mayor

(SEAL)