

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

June 15, 2015

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, June 15, 2015 at 6:30 P.M.

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

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, Fire Chief Mike Maltaverne, Parks and Recreation Director Jeff Biegler and Administrative Coordinator Sharlene Mitchell

ADOPTION OF AGENDA

Mayor Kooiker noted the addition of pending litigation to Item #7. Motion was made by Nordstrom, second by Estes and carried to adopt the agenda.

AWARDS AND RECOGNITIONS

Mayor Kooiker and Mike Maltaverne presented Certificates of Recognition to Captain Nicholas Carlson, Fire Department, 20 years; Lieutenant Robert Eddy, Fire Department, 20 years; and, Assistant Fire Chief Rod Seals, Fire Department, 20 years and acknowledged their dedicated service to the Rapid City Community.

Mayor Kooiker, Alderperson Nordstrom and Cathy Robeson presented the Beautification Committee Yard of the Month Award and gift certificate for June 2015 to Mary Lou Clark, 2027 Ivy Avenue.

Mayor Kooiker and Alderperson Nordstrom presented the Veteran of the Month for June 2015 to Anthony Espinoza and recognized his efforts and dedication to the service of his country and community.

Mayor Kooiker and Alderpersons Estes and Drew presented the Citizen of the Month for June 2015 to Dr. Charles Lindly in recognition of his outstanding citizenship principals and his significant efforts to improve the quality of life in the community.

Marty Krause, Black Hills Works, presented the Source America State/Local Government Official Award to Mayor Kooiker and Alderpersons Wright and Estes in recognition of Rapid City's support of people with significant disabilities.

Mayor Kooiker and Mayor Elect Allender presented the Renewed Year of Reconciliation Proclamation to Tim and Jackie Giagio.

EXECUTIVE SESSION

Motion was made by Doyle, second by Nordstrom and carried to go into Executive Session at 7:13 p.m. for the purposes permitted by SDCL 1-25-2(3). Motion was made by Doyle, second by Lewis and carried to come out of Executive Session at 7:31 p.m. with all members present.

STAFF DIRECTION

Motion was made by Estes, second by Wright and carried to (No. CC061515-04.3) Authorize Mayor and Finance Officer to sign Settlement Agreement with Randy Hveem.

GENERAL PUBLIC COMMENT

Joe Lowe, downtown business owner, addressed his concerns regarding the vandalism that occurred during the Summer Nights event and outlined his recommendations to address and deter the inappropriate activity. Lowe recommended that the Summer Nights organization fund the security costs for the Thursday night events.

Scot Glasgow requested that the municipal code be amended to allow miniature dairy goats within the city limits as therapy service animals. Landeen addressed the requirements for keeping livestock inside city limits and the federal law regarding the definition of a service animal. Mayor Kooiker requested that the City Attorney review the request and provide a clarification at the July 1, 2015 Legal & Finance meeting.

Mayor's Items

Rod Pettigrew, Chairperson and Jim Mc Shane, Rapid City Public Libraries Director presented the (No. CC061515-04.1) Report from the Rapid City Public Libraries Board (Annual Report; Library Services Update). Pettigrew complimented Mayor Kooiker for his handling of the Library Board appointments. Motion was made by Wright, second by Estes and carried to acknowledge the Rapid City Public Libraries Report.

NON-PUBLIC HEARING ITEMS

Hani Shafai, Dream Design, (No. PW060915-18) addressed the design proposal prompting the sidewalk waiver request for the Buffalo Crossing development.

Michael Hickey (No. PW060915-20) indicated that he was available to answer questions.

CONSENT ITEMS

The following items were removed from the Consent Items

22. No. PW060915-13 – Approve Request from Black Hills Corporation for a Variance to Waive the requirement to install Sidewalk per City Ordinance 12.08.060 on the north side of proposed Energy Park Drive for the property located southwest of intersection of Highway 16 and Catron Blvd.
27. No. PW060915-15 – Approve the Updated Priority List for “Out of the Dust” Projects.
30. No. PW060915-18 – Approve with the requirement to sign a Waiver of Right to Protest the request from Dream Design International, Inc. for a Variance to Waive the requirement to install Sidewalk per City Ordinance 12.08.060 on the east side of proposed Healing Way north of Tatanka Court within the proposed Buffalo Crossing Development.

Motion was made by Lewis, second by Scott and carried unanimously to approve Items 9 – 42 as they appear on the Consent Items with the exception of Items 22, 27 and 30.

Approve Minutes

9. Approve Minutes for the June 1, 2015 Regular Council meeting and the June 5, 2015 Special Council meeting.

Vacations of Right-Of-Way Set for Hearing (July 20, 2015)

- 9a. No. 15VR003 – A request by Ferber Engineering Company for Black Hills Corporation for a **Vacation of Right of Way** for property generally described as being located in the southeast quadrant of the intersection of Catron Boulevard and Les Hollers Way

Alcoholic Beverage License Applications Set for Hearing (July 6, 2015)

10. Black Hills Center for Equality for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for July 18, 2015 at Wilson Park, 1755 Mt Rushmore Road

Public Works Committee Consent Items

11. No. PW060915-01 – Approve Change Order No. 2F to RCS Construction for Twilight Drive and Anderson Road Water Transmission Main Extension, Project No. 12-2012 / CIP No. 50899, for a decrease of \$223,565.75.
12. No. PW060915-02 – Approve Change Order No. 1F to Hills Materials Company for Pavement Rehabilitation Project – Ram Lane & Chief Drive, Project No. 14-2162 / CIP No. 50549, for an increase of \$911.50.
13. No. PW060915-04 – Authorize Staff to Advertise for Bids for Countryside Subdivision Water System Conversion, Project No. 15-2257 / CIP No. 51086. Estimated Cost: \$820,000.00.
14. No. PW060915-05 – Authorize Staff to Advertise for Bids for Sanitary Sewer Extension Block 33 South Boulevard Addition, Project No. 15-2230 / CIP No. 51078. Estimated Cost: \$50,000.00.
15. No. PW060915-06 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Banner Associates Inc. for Professional Services for Water Reclamation Facility (WRF) Potable Water Improvements, Project No. 15-2266 / CIP No. 51079, in the amount of \$58,275.00.
16. No. PW060915-07 – Authorize Mayor and Finance Officer to Sign Amendment No. 3 to an Agreement between the City of Rapid City and Kadrmas, Lee and Jackson for Professional Services for East Boulevard / East North Street Reconstruction, Project No. 05-1511 / CIP No. 50142, in the amount of \$105,136.50.
17. No. PW060915-08 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Sperlich Consulting Inc. for Construction Professional Services for Saint Andrew Street and Saint Charles Street Sanitary Sewer and Water Extension and Reconstruction, Project No. 14-2168 / CIP No. 50959, in the amount of \$236,230.00.
18. No. PW060915-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. for Professional Services for Mount Rushmore Road Utilities Reconstruction – Saint James Street to Kansas City Street, Project No. 13-2139 / CIP No. 50950, in the amount of \$18,422.00.
19. No. PW060915-10 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and Bartlett & West for Professional Services for Red Rocks Booster Pump Station Upgrades, Project No. 14-2177 / CIP No. 50812.B, in the amount of \$13,000.00.
20. No. PW060915-11 – Request Authorization to Seek Proposals for Engineering Services for Seger Drive Reconstruction – 143rd Avenue to La Crosse Street, Project No. 15-2268 / CIP No. 50277.1-4. Estimated Project Cost: \$3,750,000.00
21. No. PW060915-12 – Approve Request from Dream Design International, Inc. for a Variance to Waive the requirement to install Sidewalk per City Ordinance 12.08.060 along Catron Boulevard for the proposed Buffalo Crossing Development.

- 23. No. PW060915-14 – Approve Request for Stormwater Drainage Utility Fee Abatement as follows: Fay E. Bice, Trustee, 2015, \$757.42; Bonnie L. Flyte, 2015, \$82.37.
- 24. No. PW060915-16 – Approve Change Order No. 1 to RCS Construction, for an increase of \$15,551.05 for Skyline Wilderness Park Trailhead Development Project No. PR13-6109 / CIP51002.
- 25. No. PW052615-08 – Authorize Staff to Advertise for Bids for 2015 Out of the Dust, Project No. 15-2265 / CIP No. 50297. Estimated Cost: \$100,000.00.
- 26. No. PW060915-03 – Authorize Staff to Advertise for Bids for Pavement Rehabilitation Project – Big Sky Area Chip Seal, Project No. 15-2269 / CIP No. 50844. Estimated Cost: \$125,000.00.
- 28. No. PW060915-17 – Approve Resolution No. 2015-060 Establishing a Moratorium on Consolidation Plats and Lot Line Adjustment Plats to Allow for Amendment to Rapid City Municipal Code 16.08.100.

Resolution No. 2015-060

A RESOLUTION ESTABLISHING A MORATORIUM ON CONSOLIDATION PLATS AND LOT LINE ADJUSTMENT PLATS TO ALLOW FOR AMENDMENT TO RAPID CITY MUNICIPAL CODE 16.08.100

WHEREAS, the City of Rapid City (the “City”) has adopted regulations pertaining the platting of property in Rapid City Municipal Code Title 16; and

WHEREAS, R.C.M.C. 16.08.100 establishes a process for application and approval of lot line adjustment plats that are used to relocate lot lines between no more than five lots or parcels; and

WHEREAS, in the past the lot line adjustment plat process has been used to plat unplatted property and to avoid subdivision improvements required by Rapid City Municipal Code; and

WHEREAS, the Common Council wishes to prevent use of this procedure when some or all of the property is unplatted; and

WHEREAS, City Staff are preparing an amendment to R.C.M.C. 16.08.100 to address these concerns which will be coming forward for Council consideration; and

WHEREAS, the Common Council finds it would be in the best interest of the City to establish a moratorium on the use of consolidation plats and lot line adjustment plats when some or all of the property is unplatted until such time as R.C.M.C. 16.08.100 is amended.

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that there is hereby established a moratorium on the receipt and approval of applications for a consolidation plat or a lot line adjustment plat when some or all of the property is unplatted.

BE IT FURTHER RESOLVED by the City of Rapid City that this moratorium shall be effective until such time as the Council amends R.C.M.C. 16.08.100, or until such time as the Council agrees to lift this moratorium, whichever is shorter.

BE IT FURTHER RESOLVED by the City of Rapid City that this resolution is necessary for the immediate preservation of the public peace, health, safety, and support of the municipal government and its existing public institutions, and this Resolution shall take effect upon approval of the Common Council.

Dated this 15th day of June, 2015.

CITY OF RAPID CITY
s/ Sam Kooiker
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

29. No. 15TP016 – Approve Resolution #2015-058 to remove Urban Systems Projects from the 2015-2018 Statewide Transportation Improvement Program.

RESOLUTION #2015-058
TRANSPORTATION IMPROVEMENT PROGRAM PROJECTS FOR 2015 - 2018

WHEREAS, the State of South Dakota has passed along to all Class One communities across South Dakota federally funded Urban Systems dollars provided that those federally funded projects are included in the Statewide Transportation Improvement Program (STIP) and meet all federally funded project requirements; and

WHEREAS, the State of South Dakota has provided the local match for the Urban Systems dollars received by all Class One communities across South Dakota; and

WHEREAS, the City of Rapid City has received nearly \$1.5 million Urban Systems funds yearly, inclusive of the State’s local match; and

WHEREAS, the State of South Dakota is now offering all Class One communities across South Dakota an opportunity to receive an equal amount of state funds consistent with the Urban Systems allocation; and

WHEREAS, the State of South Dakota has communicated with the City of Rapid City that in order to receive the equal amount of state funds for the City’s Urban Systems allocation, the existing projects identified within the Urban Systems category of the STIP must be removed from the STIP; and

WHEREAS, the City of Rapid City is interested in receiving an equal amount of state funds in lieu of the federally funded Urban Systems allocation; and

WHEREAS, THE City of Rapid City wishes to delete the following projects from the Urban Systems Category from the 2015-2018 STIP:

Year 2016

Project Number P 1771(14)	
Sheridan Lake Road - June Ct north to Rapid Creek	Grading, intersection improvements, traffic signals, curb & gutter, storm sewer, sidewalk, PCCP, lighting

Federal Funds	\$640,000
Local match	<u>\$140,000</u>
Total cost	\$780,000

Year 2017

Project Number P 1648(04)

Anamosa St – Midway St to Milwaukee	Grading, widening, curb & gutter, St storm sewer, intersection improvements, traffic signals, sidewalk, lighting, ROW
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Federal Funds	\$2,196,000
Local match	<u>\$1,004,000</u>
Total cost	\$3,200,000

Project Number P 1771(15) Sheridan Lake Road – Canyon Lake Dr To W Main St	Grading, intersection improvements, traffic signals, curb & gutter, storm sewer, sidewalk, PCCP, lighting, ROW
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Federal Funds	\$2,459,000
Local match	<u>\$541,000</u>
Total cost	\$3,000,000

Year 2018

Project Number P 1774(06) Project Number P 0044(190)45 East Boulevard and East North St - St Joseph St to Herman St	PE, grading, intersection improvements, traffic signals, curb & gutter, storm sewer, sidewalk, PCCP, lighting, intersection improvements
Intersection of SD 44 (Omaha St) and East Boulevard	

Federal Funds	\$2,332,000
State match	\$883,000
Local match	<u>\$3,014,000</u>
Total cost	\$6,229,000

NOW, THEREFORE, BE IT RESOLVED, that the South Dakota Department of Transportation be and hereby is authorized and requested to withdraw from the STIP the above-described projects.

It is estimated that the City of Rapid City will have \$1.5 million Urban Systems funds and State matching funds available yearly.

Dated this 15th day of June, 2015.

CITY OF RAPID CITY
s/ Sam Kooiker
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 31. No. PW060915-20 – Request the Mayor to Authorize Staff to develop a policy regarding irrigation ditches located below city streets and utilities for presentation to the City Council in July and to look at an agreement with Zandstra for the current project.

Legal & Finance Committee Consent Items

- 32. No. LF061015-01 - Authorize Staff to Apply for 2015 COPS Grant, and accept if awarded.
- 33. No. LF061015-02 – Authorize Mayor and Finance Officer to Sign Termination of Agreement between the City of Rapid City and NRG Consulting Services, LLC
- 34. No. LF061015-03 - Approve Request for Property Tax Abatement as Follows: Rapid City Peace Officers/Fraternal Order, 2014, \$7,779.92
- 35. No. LF061015-05 – Resolution No. 2015-059 Declaring Miscellaneous Personal Property Surplus

Resolution # 2015-059
RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

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

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

From: Police Department
 Totaled vehicle to be turned in to the insurance company:
 2013 Ford Taurus Interceptor; VIN# 1FAHP2MT1DG110377

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

Dated this 15th day of June, 2015.

CITY OF RAPID CITY
s/ Sam Kooiker
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

- 36. No. LF052715-15 – Approve FY 2014 Caper and Authorize Mayor and Finance Officer to Sign FY2014 SF-424 and Certifications
- 37. No. CC061515-04.5 - Approve Request by Dan Senftner for 10 Hour Meters on Kansas City Street between Sixth Street and Seventh Street.
- 38. No. LF061015-06 – Acknowledge Receipt of Proposed Downtown BID Assessment Roll and Approve Resolution No. 2015-056A Fixing Time and Place for Hearing on Assessment Roll for a Business Improvement District 2015.

RESOLUTION No. 2015-056A
**RESOLUTION FIXING TIME AND PLACE FOR HEARING ON ASSESSMENT ROLL
 FOR A BUSINESS IMPROVEMENT DISTRICT 2015**

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

1. The Assessment Roll for a Business Improvement District 2015 was filed in the Finance Office on the 15th day of June 2015. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 20th day of July 2015 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 15th day of June, 2015.

CITY OF RAPID CITY
s/ Sam Kooiker
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

Bid Award Consent Items

39. No. CC061515-02.1 – Approve award of Total Bid for Water and Sewer Extension - Alley Block 3 Flormann Addition and St. Cloud St. and St James Street Sewer Extension, Project No. 14-2152 & 14-2206 / CIP No. 50961.2 & 51053 opened on June 9, 2015, to the lowest responsible bidder, Rapid Construction, LLC, in the amount of \$377,880.10.
40. No. CC061515-02.2 – Approve award of Total Bid for Sanitary Sewer Main Extension - Alley Block 13 S. Boulevard Addition and Ninth St., Project No. 14-2153 / CIP No. 50961.3 opened on June 9, 2015, to the lowest responsible bidder, Rapid Construction, LLC, in the amount of \$141,577.13.
41. No. CC061515-02.3 – Reject all Bids for 9th Street Reconstruction – Columbus to Fulton Street, Project No. 14-2208 / CIP No. 50959 opened on June 9, 2015, and rebid at a later date.
42. No. CC061515-02.4 – Approve award of total bid for Rubber Tracked Mini Excavator, opened June 9, 2015, to the lowest responsible bidder, Jenner Equipment, in the amount of \$57,317.00.

END OF CONSENT ITEMS

Motion was made by Scott, second by Lewis to (No. PW060915-13) Approve Request from Black Hills Corporation for a Variance to Waive the requirement to install Sidewalk per City Ordinance 12.08.060 on the north side of proposed Energy Park Drive for the property located southwest of intersection of Highway 16 and Catron Blvd. In response to a question from Wright, Wolterstorff addressed the use differences in the Black Hills Corporation and Buffalo Crossing developments. In response to a question from Weifenbach, Wolterstorff addressed the substantial sidewalks and pedestrian connectivity throughout the Black Hills Corporation development noting the location of the variance request. Noting the similarity between the Black Hills Corporation and Buffalo Crossing requests, Wright expressed concern with the WOPR requirement on the Buffalo Crossing request. In response to a question from

Estes, Wolterstorff stated that Energy Park Drive will be a public street. In response to a question from Scott, Wolterstorff indicated that the primary difference between the two requests is that Buffalo Crossing will encompass both residential and commercial development. Wright voiced support for the Black Hills Corporation request noting the potential pedestrian demand that will be generated by the on-site commercial use. In response to a question from Estes, Wolterstorff clarified the sidewalk locations on the Black Hills Corporation site. In response to a question from Mayor Kooiker, Wolterstorff stated that the streets in the development will be public streets. Motion carried.

Motion by Scott, second by Estes to (No. PW060915-15) Approve the Updated Priority List for "Out of the Dust" Projects. Drew encouraged interested individuals to contact the city regarding the alley paving projects. Motion carried.

Motion was made by Scott, second by Nordstrom to (No. PW060915-18) Approve with the requirement to sign a Waiver of Right to Protest the request from Dream Design International, Inc. for a Variance to Waive the requirement to install Sidewalk per City Ordinance 12.08.060 on the east side of proposed Healing Way north of Tatanka Court within the proposed Buffalo Crossing Development. In response to a question from Wright, Shafai identified the location of the residential, commercial and open space properties and the location and width of the sidewalks within the development. Noting the impact of the WORP on the title, Shafai indicated that a landscape buffer will be installed between the commercial and residential properties. Shafai expressed concern that the WORP would allow the landscape buffer to be removed and replaced with sidewalks. Shafai voiced his objection to the inconsistencies in the staff recommendations and the delays created by the traffic study requirements. Shafai identified the development actions that have occurred on adjacent properties without the benefit of a traffic study and thanked Mayor Kooiker for his assistance in moving the project forward. In response to a question from Nordstrom, Shafai addressed the topography east of Healing Way noting the safety benefits of the landscape buffer. Discussion continued regarding the delay on the traffic study. Wright expressed his concern regarding the inequity in the sidewalk requirements for the two developments. Wolterstorff addressed the purpose of the WORP noting the city's ability to order in sidewalks at any time. Wolterstorff addressed the differences between the two developments prompting the different recommendations. Discussion followed regarding the projected density of the residential development. Shafai stated that Dream Design was withdrawing the variance request and would install sidewalks per city code. Shafai expressed his frustration and concern with the development process and again thanked Mayor Kooiker for his assistance with the traffic study. In response to a question from Mayor Kooiker, Shafai acknowledged that the request was being withdrawn noting his opinion that the staff recommendations for the two developments are inconsistent. A substitute motion was made by Scott, second by Nordstrom to acknowledge the applicant's withdrawal of the variance request. Estes commented on the possibility that the open area could be developed should it become economically feasible noting that the WORP provides notice to future property owners that the city could require the installation of sidewalks. The substitute motion carried.

NON-CONSENT ITEMS

Troy Erickson (No. 15RZ011) advised that he was available to take questions and called attention to the letter provided in advance of the meeting addressing the request. Patricia Koch addressed the residential composition of the neighborhood and called attention to the number and types of citizen initiated calls for police assistance to the neighborhood. Koch addressed the casinos located in the surrounding area and expressed concern with the impact the proposed casino would have on the residential neighborhood. Cheryl Erdman expressed concern with the addition of a casino to the residential neighborhood. Erdman suggested that the proposed use would increase crime and traffic in the neighborhood. Erdman indicated that there are numerous casinos, car washes and liquor stores in the surrounding area.

Eric Willadsen, developer, addressed the current development plans for the Copper Ridge development noting that the road alignment is subject to future development plans which are uncertain at this time.

Willadsen requested that the exception request be approved for the first 250 feet of Golden Eagle Drive covering the entrance to the apartment complex.

Ordinances

Ordinance No. 6060 (No. PW052615-18) An Ordinance to Revise the Regulations Relating to Private Water and Sewer Service Lines by Amending Chapter 13.12 of the Rapid City Municipal Code having passed its first reading on June 1, 2015 motion was made by Lewis, second by Scott, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Lewis, Doyle, Wright, Estes, Nordstrom, Roberts and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6060 was declared duly passed upon its second reading.

Motion was made by Lewis, second by Scott and carried to (No. LF061015-09) Approve Resolution No. 2015-061 Establishing Criteria for Prioritizing Replacement of Private Non-Conforming Sewer and Water Service Lines Per Chapter 13.12 of the Rapid City Municipal Code.

Resolution 2015-061

RESOLUTION ESTABLISHING CRITERIA FOR PRIORITIZING REPLACEMENT OF PRIVATE NON-CONFORMING SEWER AND WATER SERVICE LINES PER CHAPTER 13.12 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, there are numerous locations within Rapid City which are served by private, non-conforming water or sewer service lines, sewer collection systems, or water distribution systems; and

WHEREAS, many of these lines are aging and beginning to fail which poses a hazard to the health, safety and welfare of the citizens of Rapid City; and

WHEREAS, the City Council has adopted Chapter 13.12 of the Rapid City Municipal Code (RCMC) which addresses the replacement of private, non-conforming water or sewer service lines, sewer collection systems, or water distribution systems; and

WHEREAS, Chapter 13.12 of the RCMC requires the Public Works Department to maintain a record of all identified non-conforming water or sewer service lines within the city limits; and

WHEREAS, Chapter 13.12 of the RCMC directs the Public Works Department to develop criteria for prioritizing projects to address non-conforming water or sewer service lines, sewer collection systems, and water distribution systems after they have been identified; and

WHEREAS, the Public Works Department has developed criteria for prioritizing the replacement of these private, non-conforming water or sewer service lines, sewer collection systems, and water distribution systems which takes into account health and safety issues, the number of properties which benefit from replacement, the support of the customers impacted by the replacement, environmental issues caused by sewage discharge, nuisance issues caused by discharge of water outside a lot, proximity to a current or imminent City water or sewer main, and any documented negative impact the non-conforming service has had on the operation and maintenance of the City's sewer or water system; and

WHEREAS, per Chapter 13.12, the Public Works Department recommends the Common Council of Rapid City formally adopt by resolution the criteria contained herein.

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the following point system is hereby adopted to determine where the private non-conforming water or sewer service lines, sewer collection systems, and water distribution systems will be placed on the priority list:

1. Current functionality of the system: 1-10 points

(1 = high functionality; 10 = no functionality)

- 2. History of failures of the system, either pipe breaks, pipe collapse, or sanitary sewer overflows:

> 3	10 points
3	8 points
2	6 points
1	4 points

- 3. Number of parties benefiting from the project:

> 10	20 points
8-10	15 points
5-7	10 points
2-4	5 points
1	1 point

If the benefiting parties share a common line, then points shall be doubled.

- 4. Health and Safety issues caused by documented sewer back ups or sewer discharge to surface: 5-10 points;
- 5. Environmental issues and property damage caused by documented sewer discharge to subsurface: 1-5 points;
- 6. Environmental issues and property damage caused by documented water break: 1-5 points;
- 7. Proximity to a current or imminent City water or sewer project: 1-20 points

BE IT FURTHER RESOLVED that the preceding point system will be applied to prioritizing projects to address non-conforming water or sewer service lines, sewer collection systems, and water distribution systems. Projects receiving more points under this system will receive priority in replacement over requests with fewer points.

Dated this 15th day of June, 2015.

CITY OF RAPID CITY
s/ Sam Kooiker
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Ordinance No. 6061 (No. LF061015-07) An Ordinance to Revise the Provisions for Management and Administration of the Municipal Airport by Amending Chapter 2.72 of the Rapid City Municipal Code. Motion was made by Lewis, second by Estes and carried that Ordinance No. 6061 be placed upon its first reading and the title was fully and distinctly read.

Ordinance No. 6062 (No. LF061015-08) An Ordinance to Revise the Provisions Regulating Activities and Operations at the Municipal Airport by Amending Chapter 13.28 of the Rapid City Municipal Code. Motion was made by Lewis, second by Drew and carried that Ordinance No. 6062 be placed upon its first reading and the title was fully and distinctly read.

Lewis introduced First Reading of Ordinance 6057 (No. 15RZ011) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by M. G. Oil Company, Troy Erickson, President for a **Rezoning from Neighborhood Commercial District to General Commercial District** for property generally described as being located at 310 East Fairmont Boulevard. In response to a question from Wright, Landeen addressed the City's favorable legal position with regard to the rezone request. Limbaugh expressed his opinion that the current neighborhood commercial zoning complements the surrounding residential uses. Limbaugh outlined the more intense uses permitted under general commercial zoning that would be inappropriate for the residential location. Motion was made by Scott, second by Doyle to deny First Reading of Ordinance 6057. Noting the Planning Commission discussion on the request, Scott concurred with the finding that the existing neighborhood commercial zoning allows uses that support the residential neighborhood. Noting her support for the Planning Commission recommendation to deny, Doyle encouraged maintaining the integrity of the residential neighborhood. Motion to Deny carried.

Public Works Committee Items

Motion was made by Scott, second by Weifenbach to (No. PW060915-19) Deny the Exception Request to waive the requirement to construct a portion of Golden Eagle Drive as it abuts proposed Tract 1 of Copper Ridge Subdivision. In response to a question from Lewis, Wolterstorff advised that the road elevation, alignment and classification is identified by the Major Street Plan noting that it would require amending the Plan to realigning the road. In response to a question from Lewis, Wolterstorff advised that the alignment follows the existing terrain and would connect to the Villaggio development. Wright suggested requiring construction of the initial 250 feet of Golden Eagle Drive and execution of a WORP for the balance of the roadway. Wolterstorff addressed his hesitancy in utilizing a WORP noting that surety provided at today's costs may be insufficient to cover the future construction costs requiring the taxpayers to fund the difference. Wright expressed concern with requiring construction of the entire roadway as the future development of the area is unknown. Wolterstorff recommended that the request be continued for two weeks to allow staff to research alternative options. A substitute motion was made by Estes, second by Wright to continue the Exception Request to the June 30, 2015 Public Works meeting. In response to a question from Estes, Willadsen addressed the development potential of the property noting the platting issues that prompted the subdivision improvements. Willadsen stated that the completed lot takes access from Golden Eagle noting that the balance of the property will take access from Promise Road. Estes voiced support for the continuation. Willadsen indicated that staff did reject the proposal to complete the initial 250 feet of Golden Eagle Drive. In response to a question from Weifenbach, Willadsen identified the primary and secondary access points into the subdivision. Motion to continue carried.

Mayor's Items

Ron Jeffries presented the (No. CC061515-04.2) Update on Fairgrounds and Central States Fair Events noting that 2015 is the 70th anniversary of the Central States Fair. Jeffries addressed the events and entertainment scheduled for the fair noting the strong support for the agra-tourism venues. Motion was made by Lewis, second by Nordstrom to acknowledge the Update on Fairgrounds and Central States Fair Events. Weifenbach acknowledged the impact of the agra-tourism venues and complemented the many volunteers that support the fair. Motion carried.

Mayor Kooiker addressed the status of the Mayoral transition which occurs on July 6, 2015, noting his opinion that Mayor Elect Allender's involvement in the 2016 budget process was critical. Mayor Kooiker said he and Mayor Elect Allender met immediately following the election and that Mayor Elect Allender has been involved in the departmental budget reviews. Mayor Kooiker said in 2011 the budget had been

introduced prior to the election, and in this case, the departmental budget presentations to the Mayor were held until after the election. This allowed for complete involvement by Mayor Elect Allender. Mayor Kooiker also said that Mayor Elect Allender will own the budget regardless if he introduces it or not, so it is only fair to involve him completely in the process. In response to a request from Mayor Kooiker, Sumption indicated that both Mayor Kooiker and Mayor Elect Allender participated in the department budget reviews noting that Mayor Elect Allender's involvement provided him with an understanding of the individual department's requests and needs. Sumption advised that Mayor Elect Allender will provide direction with regard to the budget presentation to council upon completion and review of the recommended changes. Sumption advised that the 2016 budget initiates the priority driven budget process noting that the departments have presented requests for additional FTE's and other needs. Sumption advised that some of the additional funding requests have been included in the budget at Mayor Kooiker's request noting Mayor Elect Allender's concurrence with the additions. Sumption advised that, with the additional funding requests, it will be necessary to either facilitate reductions in the budget or increase revenues. In response to a question from Mayor Kooiker, Sumption indicated that the council budget presentation has been tentatively scheduled for the July 20, 2015 council meeting. Mayor Kooiker advised that Mayor Elect Allender was a major voice in the budget process as he will be responsible for the final 2016 budget. Mayor Kooiker announced the new email address for Mayor Elect Allender noting that the address has been added to various email groups. Mayor Kooiker advised that Mayor Elect Allender is monitoring and responding to emails noting that the "mayor" email will be directed to Mayor Elect Allender following the transition. Mayor Kooiker addressed the implementation of the Issue Tracker software noting its benefit in assigning and tracking constituent issues to insure that the constituent receives a response to their concerns. Mayor Kooiker noted that when he took office in July 2011, he had less than a week for the transition, and the hard drives had been wiped clean, files had been shredded and he had no staff in the Mayor's office. He indicated the office belongs to the people and not to any past, current or future Mayor. He outlined the file sharing, preservation and digitization procedures that have been implemented to insure the continuation of services. Mayor Kooiker addressed the efforts of the entire Mayor's Office staff, as well as himself, to insure that the transition is as seamless as possible for both the outgoing and incoming mayors. Mayor Kooiker congratulated Mayor Elect Allender on the election. Motion was made by Lewis, second by Doyle and carried to acknowledge the (No. CC061515-04.4) Mayoral Transition Update.

Mayor Kooiker requested that the agenda be amended to discuss the scheduling of a Special Council meeting to canvas to the results of the June 23, 2015 runoff election. Motion was made by Wright, second by Estes and carried to amend the agenda to add Scheduling a Special Council meeting. Sumption suggested that the Special Council meeting be scheduled for Tuesday, June 30, 2015 at 12:30 p.m. immediately preceding the Public Works Committee meeting. Motion was made by Estes, second by Wright and carried to authorize the Special Council meeting to canvas the June 23, 2015 Runoff Election.

PUBLIC HEARING ITEMS

CONSENT PUBLIC HEARING ITEMS

Motion was made by Lewis, second by Estes and carried unanimously to approve items 51 – 52 as they appear of the Consent Public Hearing Items.

Alcohol Licenses

51. Patrick Hall dba Phatty McGee's, 321 7th Street for a Retail (on-sale) Liquor License TRANSFER from Phatty McGee's Inc dba Phatty McGee's Inc, 321 7th Street

Assessment Rolls

52. No. LF061015-04 – Resolution No. 2015-047B Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2015-047B

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTY

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 15th day of June, 2015.

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

Motion was made by Scott, second by Estes and carried to Continue (No. 15VR002) A request by Fisk Land Surveying and Consulting Engineers, Inc for ICON Holdings, LLC for a **Vacation of Right of Way** for property generally described as being located at Northview Drive and Silver Nugget Drive to the July 6, 2015 Council meeting as requested by staff.

Ordinance 6051 (No. 15RZ007) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International Inc for a **Rezoning from General Commercial District to Low Density Residential District II** for property generally described as being located southeast of the intersection of Marlin Drive and Minnesota Street having passed its first reading on June 1, 2015 motion was made by Scott, second by Estes, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Lewis, Doyle, Wright, Estes, Nordstrom, Roberts and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6051 was declared duly passed upon its second reading.

Ordinance 6054 (No. 15RZ009) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International Inc for a **Rezoning from General Commercial District to Office Commercial District** for property generally described as being located southeast of the intersection of Marlin Drive and East Minnesota Street having passed its first reading on June 1, 2015 motion was made by Scott, second by Roberts, that the title be read the second time. Upon vote being taken, the following voted AYE: Scott, Drew, Lewis, Doyle, Wright, Estes, Nordstrom, Roberts and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6054 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - JUNE 15, 2015

P/ROLL PERIOD END 05/30/15, PD 06/05/15	1,022,523.37
CDEV P/ROLL PERIOD END 05/30/15, PD 06/05/15	2,933.52
PIONEER BANK & TRUST, 05/30/15 P/ROLL TAXES, PD 06/05/15	249,593.74
CDEV PIONEER BANK & TRUST, 05/30/15 P/ROLL TAXES, PD 06/05/15	212.12
SOUTH DAKOTA RETIREMENT SYSTEM, MAY15 RETIREMENT, PD 06/04/15	431,244.86
SOUTH DAKOTA RETIREMENT SYSTEM, CDEV MAY15 RETIREMENT, PD 06/04/15	340.14
WELLMARK INC, HEALTH CLAIMS THROUGH 06/05/15, PD 06/11/15	110,162.23
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/01/15, PD 06/02/15	5,328.44
WAGE WORKS, SECTION 125 CLAIMS THROUGH 06/08/15, PD 06/09/15	3,313.85
BLACK HILLS POWER, ELECTRICITY, PD 06/05/15	8,327.50
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 06/05/15	3,279.71
BERKLEY ASSIGNED RISK SERVICES, MAY15 CLAIMS, PD 06/01/15	35,894.39
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE-HANNA J, PD 05/29/15	45.00
COMPUTER BILL LIST	4,766,652.20
CDEV COMPUTER BILL LIST	3,492.07
SUBTOTAL	6,643,343.14
RSVP, P/ROLL PERIOD END 05/30/15, PD 06/05/15	3,181.76
RSVP, PIONEER BANK & TRUST, 05/30/15 P/ROLL TAXES, PD 06/05/15	242.22
RSVP, SD RETIREMENT SYSTEM, MAY15 RETIREMENT, PD 06/04/15	381.82
RSVP, COMPUTER BILL LIST	1,017.34
TOTAL	6,648,166.28

Sumption presented the bill list total of \$6,648,166.28. Motion was made by Scott, second by Drew and carried to authorize (No. CC061515-01) 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 Drew, second by Scott and carried to adjourn the meeting at 9:23 p.m.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)