

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

September 8, 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 Tuesday, September 8, 2015 at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, 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, Community Resources Director Jeff Barbier and Administrative Secretary Heidi Weaver-Norris

ADOPTION OF AGENDA

The agenda was amended as follows: Motion by Lewis, second by Doyle and carried to add agenda Item 1A to recognize the 2015 South Dakota Hall of Fame Inductees from Rapid City. Motion was made by Estes, second by Doyle and carried to adopt the agenda as amended.

AWARDS AND RECOGNITIONS

Mayor Allender presented the Proclamation to Honor Our Patriots Day to Kevin Ott and members of the Airforce Sergeant's Association in recognition of all forms of military who have defended the United States since the attack on America on September 11, 2001.

Mayor Allender and Dr. Richard Gowen presented Certificates of Appreciation to Dorothy Brown, Robert Mudge and Chris Lacroix, on behalf of former Mayor Art Lacroix, for their dedication and service to the Rapid City community. They will each be inducted into the 2015 South Dakota Hall of Fame.

NON-PUBLIC HEARING ITEMS

Greg Konvalin, employee of Jenner Equipment (CC090815-02.4) requested the Council take another look at the bid for the (2) new skid steer loaders before it's awarded. He believes their bid should be reconsidered.

Debra Jensen, President of the Mt. Rushmore Road group (CC081715-04.2) stated the citizens of Rapid City have a vested interest in making Rapid City the most vibrant and economically friendly city. She stated due to a gas line some of the landscaping wouldn't be the same as the corridor study but that Public Works offered to pay for colored concrete that is not already being covered by the SDDOT. She thinks it's a good compromise and appreciates the work the City has put into this project so far.

Lisa Modrick, member of the Mt. Rushmore Road group (CC081715-04.2) stated the City needs to move forward with the plans and progress to pass on to future generations. She would like to pay forward economic development and beautification. She stated a document went out to the media that was incorrect and their group hasn't asked for a million dollars. She said they've always asked to stick with the Comprehensive Plan. She did say that a number in the document does need to be corrected. She asked that future links to the project be double checked before they go out.

CONSENT ITEMS

The following items were removed from the Consent Items

21. No. CC081715-04.2 – Request the Mayor to authorize staff to work with the SDDOT to have colored concrete installed in the boulevards with the City paying for the cost of the colored concrete that is not already being paid for by the SDDOT and that staff update the City Council on the Mt Rushmore Road Construction project and budget.
26. No. LF090215-05 – Approve Update to Midcontinent Communications to Increase Bandwidth for Fire Stations
36. No. CC090815-02.1 – Approve award of Total Schedule A and B plus Alternate 1 for Country Road Water Transmission Main Extension North Rapid High Level and Country Road and 143rd Avenue Water Transmission Main Extension Low Level Project No. 14-2173 & 14-2174 / CIP No. 50460 & 50920 opened on September 1, 2015, to the lowest responsible bidder, Lind Exco, Inc., in the amount of \$2,000,922.55.
38. No. CC090815-02.3 – Approve award of base bid without trade-in One (1) New Current Model Year Articulated Loader (Large), opened September 1, 2015, to the lowest responsible bidder, Butler Machinery, in the amount of \$376,300.00.
39. No. CC090815-02.4 – Approve award of base bid with no trade-in for Two (2) New Current Model Year Skid Steer Loaders, opened September 1, 2015, to the lowest responsible bidder, RDO Equipment Co., in the amount of \$101,000.00.

Motion was made by Lewis, second by Laurenti and carried unanimously to approve Items 2 – 39 as they appear on the Consent Items with the exception of Items 21, 26, 36, 38, and 39.

Approve Minutes

2. Approve Minutes for the August 17, 2015 Regular Council meeting and the Minutes of the August 11, 2015 and August 19, 2015 Special Council meetings.

Vacations of Right-Of-Way Set for Hearing (October 5, 2015)

3. No. 15VR011 - A request by Dream Design International, Inc. for a **Vacation of a Section Line Highway** for property generally described as being located southwest of East Minnesota Street.

Alcoholic Beverage License Applications Set for Hearing (September 21, 2015)

4. MG Oil Company dba Sam's II, 2730 West Main Street, Suite B for a Retail (on-off sale) Malt Beverage License with Video Lottery TRANSFER from Hungrys Restaurants Inc dba Marlins Roadhouse Grill, 2803 Deadwood Ave.
5. LifeScape Foundation for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for October 2, 2015 at LifeScape, 7110 Jordan Drive.

Public Works Committee Consent Items

6. No. PW090115-01 – Confirm the Appointment of Mark Jobman as Alternate #2 to fill the unexpired term of Jonathon Pinkark who has submitted his resignation to the Planning Commission. Galen Hoogestraat will move from Alternate #2 to Alternate #1.
7. No. PW090115-13 – Confirm the Reappointment of Danielle Weibers to the Air Quality Board.
8. No. PW090115-02 – Approve Change Order #4 to RCS Construction for Horace Mann Pool and Park Project #11-1942 / CIP No. 50864 for an increase \$27,598.00.

9. No. PW090115-03 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and FMG Inc for 9th Street Reconstruction – Fulton Street to Columbus Street, Project No. 14-2208 / CIP No. 50435, in the amount of \$2,370.00.
10. No. PW090115-04 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and HDR Engineering Inc. for Water Reclamation Facility Trickling Water Filter and Effluent Solids Reduction Improvements, Project No. 13-2123 / CIP No. 50970, for a decrease of \$449,174.19.
11. No. PW090115-05 – Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement between the City of Rapid City and Kadrmas, Lee and Jackson Inc. for Professional Services for Nordby Lane Reconstruction, Project No. 14-2175 / CIP No. 50803, in the amount of \$8,364.47.
12. No. PW090115-06 – Authorize Mayor and Finance Officer to Sign Agreement between the City of Rapid City and Advanced Engineering and Environmental Services Inc. for Construction Professional Services for Countryside Subdivision Water System Conversion, Project No. 15-2257 / CIP 51086, in the amount of \$12,182.00.
13. No. PW090115-07 – Authorize Mayor and Finance Officer to Sign Waiver of Right to Protest with Paul and Lori Sauser for a future assessment of the installation of water, sewer, pavement, curb, gutter, sidewalk, handicap ramps and street light conduit in Earth Drive and Legacy Lane as they abut Lot 7A of Block 1 located in Section 11, in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.
14. No. PW090115-08 – Authorize Mayor and Finance Officer to Sign Waiver of Right to Protest with Paul and Lori Sauser for a future assessment of the installation of water, sewer, pavement, curb, gutter, sidewalk, handicap ramps and street light conduit in Earth Drive; and installation of sewer, pavement, curb, gutter, sidewalk, handicap ramps and street light conduit in Long View Road as they abut Lot 7B of Block 1 located in Section 11, in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.
15. No. PW090115-09 – Approve Policy Concerning Maintenance of Irrigation Ditches When Intersecting City Right of Way or Utilities.
16. No. PW072815-09 – Authorize Mayor and Finance Officer to Sign Memorandum of Agreement between the City of Rapid City and Rapid City Independent School District 51-4 for a Horticulture Garden to be placed on City parkland near Central High School.
17. No. PW090115-10 – Authorize Staff to Purchase a Dump Truck from Eddie's Truck Center for the Storm Water Division in the amount of \$124,860.00 using the 2015 Water Division bid approved on April 6, 2015.
18. No. PW090115-11 – Authorize staff to advertise for bids for Park Facility Custodial Services.
19. No. 15CA001 – Approve a request by the City of Rapid City for an Amendment to the Comprehensive Plan by adopting the Plan Rapid City Comprehensive Plan Quarterly Update and ratifying the Plan Rapid City Comprehensive Plan approved in April 2014.

Resolution 2015-085

RESOLUTION AMENDING THE COMPREHENSIVE PLAN BY ADOPTING *PLAN RAPID CITY* QUARTERLY UPDATE AND RATIFYING *PLAN RAPID CITY* APPROVED IN APRIL 2014, PROVIDING

FOR THE REVIEW THEREOF, AND PROVIDING FOR THE PHYSICAL DEVELOPMENT OF THE CITY
HEREWITH

WHEREAS, the City of Rapid City has engaged in the comprehensive planning process for the physical development of the municipality, including the areas outside the boundary and within its planning jurisdiction since the initial "City Plan" was adopted in 1949. Subsequent comprehensive plans were prepared in 1964, 1976, 1980 and 2014; and

WHEREAS, the Planning Commission of the City of Rapid City, after careful study and a public hearing in accordance with SDCL 11-6-17, recommended to this Council a comprehensive plan for the Rapid City area titled *Plan Rapid City* and the subsequent Quarterly Update; and

WHEREAS, the City Council of Rapid City, South Dakota, carefully considered the document titled *Plan Rapid City* dated April 2014 with the accompanying maps, plats, charts and descriptive and explanatory matter; and

WHEREAS, the City Council of Rapid City South Dakota, held a public hearing in accordance with SDCL 11-6-17 and finds that the proposed Quarterly Update and the *Plan Rapid City* Comprehensive Plan for the City of Rapid City, South Dakota constitutes a suitable, logical and timely plan for the future development of the Rapid City area over the ensuing twenty years; and

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the document consisting of text, maps and charts, entitled *Plan Rapid City* and dated April 2014, hereby supersedes the 1975 Rapid City Comprehensive Plan and the Rapid City Area 2000 Plan 5th Year Review adopted on July 7, 1980 in accordance with SDCL 11-6.

BE IT FURTHER RESOLVED, that this Plan Rapid City Comprehensive Plan Quarterly Update mirrors the seven Core Values identified within the Plan, keeps the Plan current with the needs of the Rapid City area, and represents the best thinking of the Council, Planning Commission and boards, commissions and departments of the City in the light of changing conditions. The Quarterly Update includes the Comprehensive Plan's implementation tasks and tracks achievements from the Priority Action Plan completed during the year or that are in progress.

BE IT FURTHER RESOLVED, that the principles, goals and policies developed in the Comprehensive Plan shall be the basis for developing the priority driven budget process for the City of Rapid City.

Dated this 8th day of September, 2015.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

20. No. PW090115-12 – Authorize Staff to Advertise for Bids for Skyline Wilderness Area Hazardous Fuel Removal.

Legal & Finance Committee Consent Items

22. No. LF090215-01 – Confirm Appointment of Thomas Lessin to the Community Investment Committee to Fill the Unexpired Term of Thomas Golden

23. No. LF090215-02 – Confirm Reappointment of Caleb Arceneaux and New Appointment of Maureen Gustafson and Regina Rhodes to the Hotel Business Improvement District (BID) Board
24. No. LF090215-03 – Confirm Reappointment of Anna Huntington to Performing Arts Board
25. No. LF090215-04 – Authorize the Mayor and Finance Officer to Sign Memorandum of Understanding between the City of Rapid City and the Good Samaritan Society
27. No. LF090215-06 - Acknowledge June 2015 Sales Tax Report
28. No. LF090215-07 – Acknowledge July 2015 General Fund Cash Balance Report
29. No. LF090215-08 – Resolution No. 2015-086A Fixing Time and Place for Hearing on Assessment Roll for Cleanup of Miscellaneous Property

RESOLUTION No. 2015-086A
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 8th day of September, 2015. The City Council shall meet at the City / School Administration Center in Rapid City, South Dakota, on the 5th day of October, 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 8th day of September, 2015.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

30. No. LF090215-09 – Resolution No. 2015-087 Declaring Miscellaneous Personal Property Surplus

Resolution # 2015-087
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: Solid Waste Dept.

The following will be used for trade-in:

John Deere 644H Loader; VIN# DW644HX580495

2009 Bobcat S220 Loader; VIN# A4GK35368

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 8th day of September, 2015.

CITY OF RAPID CITY

s/ Steve Allender

Mayor

ATTEST:

s/ Pauline Sumption

Finance Officer

(SEAL)

31. No. LF090215-10 – Authorize Mayor and Finance Officer to Sign FY 2015 Community Development Block Grant (CDBG) Contract for Lutheran Social Services – Arise Youth Center
32. No. LF090215-11 – Authorize Mayor and Finance Officer to Sign Indenture of Restrictive Covenants and FY 2015 Community Development Block Grant (CDBG) Contract for Lutheran Social Services – Stepping Stones
33. No. LF090215-12 – Authorize Mayor and Finance Officer to Sign FY 2015 Community Development Block Grant (CDBG) Contract for Youth & Family Services Counseling
34. No. LF090215-13 – Authorize Mayor and Finance Officer to Sign Real Property Purchase Agreement Between the City of Rapid City and Pennington County for Property Located at 703 Adams Street.

Community Planning & Development Services Department Consent Items

35. No. 15AN001 - A request by City of Rapid City for a **Petition for Annexation** for property generally described as being located at 3400 N. Elk Vale Road.

RESOLUTION 2015-084

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be annexed; and

WHEREAS, the territory that the petitioners are seeking to have annexed is contiguous to the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be annexed and thereby included within the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 1 acre, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lot 1 of the SW1/4 of the NW1/4 located in Section 22, T2N, R8E, BHM, Pennington County, South Dakota, which includes the western most portion of Lot 1 identified as the 33 feet section line right-of-way beginning at the southwest corner of the NW1/4 extending north approximately 200 feet

Dated this 8th day of September, 2015.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Bid Award Consent Items

37. No. CC090815-02.2 – Approve award of base bid One (1) New Current Model Year Articulated Loader (Medium), opened September 1, 2015, to the lowest responsible bidder, Sheehan Mack Sales, in the amount of \$243,500.00.

END OF CONSENT ITEMS

Wright went over some numbers from the Vision Fund regarding the Mount Rushmore Road project and said they are short about \$177,000. He said the numbers are pretty close to the estimated cost. In response to a question from Scott, Wolterstorff indicated after the Black Hills Power and Light numbers came in, there was a cost savings of \$400,000.00 and that's how the Public Work's Department can afford to finish off the colored concrete not covered by SDDOT. He said construction prices are going up. He indicated there is a portion of the downtown area from Kansas City Street to Omaha Street that is currently not covered by the budget. The corridor study indicates there will be decorative lighting and landscape medians. He said the budget covers all three phases and with the savings on BHPL line, and not doing the extensive landscaping, there will be money put back in the budget. Motion was made by Estes, second by Doyle to (CC081715-04.2) Approve the Mayor to authorize staff to work with the SDDOT to have colored concrete installed in the boulevards with the City paying for the cost of the colored concrete that is not already being paid for by the SDDOT and that staff update the City Council on the Mt Rushmore Road Construction project and budget. Estes feels comfortable approving \$174,000.00 out of the \$798,000.00 extra, to fund the colored concrete at this time. Motion carried.

Motion was made by Lewis, second by Drew to (LF090215-05) Approve update to Midcontinent Communications to Increase Bandwidth for Fire Stations Drew. In response to a question from Scott, Maltaverne said this is an upgrade to the telecommunications at the seven fire stations in the community. He said one of the advantages would be having meetings via the internet which would make the meetings more feasible for more people. He said the upgraded communication would also allow for more training aids via the internet. He said it brings the department into a modern day communicating platform. Substitute motion was made by Wright, second by Laurenti to continue to the September 21, 2015 Council Meeting in order for the department to present costs regarding this item. Motion carried.

In response to a question from Roberts, Wolterstorff said this project is development driven versus maintenance upgrade driven. He said this project is being primarily funded through the Utility Support Fund. The project is necessary for adequate fire flows and water up to the new structures as they build out. He said that the water pressure in the Knollwood area is adequate but might be lower than some people would like. Roberts said there is undeveloped property in the Country Road area, Wolterstorff indicated it's a balancing act to fund new projects versus maintaining older developments. In response to a question from the Mayor, Roberts indicated his interest in the Knollwood area and said the water pressure is low. In response to a question from Weifenbach, Wolterstorff indicated the developments needing the water are off the Country Road area, east of Haines, west of 143rd Avenue. Motion was made by Scott, second by Drew to (CC090815-02.1) Approve award of Total Schedule A and B plus Alternate 1 for Country Road Water Transmission Main Extension North Rapid High Level and Country Road and 143rd Avenue Water Transmission Main Extension Low Level Project No. 14-2173 & 14-2174 / CIP No. 50460 & 50920 opened on September 1, 2015, to the lowest responsible bidder, Lind Exco, Inc., in the amount of \$2,000,922.55. Motion carried 9-1, Roberts voting no.

In response to a question from Wright, Wolterstorff said the lowest bidder did not meet specifications on maintenance. Motion was made by Drew, second by Lewis to (CC090815-02.3) Approve award of base bid without trade-in One (1) New Current Model Year Articulated Loader (Large), opened September 1, 2015, to the lowest responsible bidder, Butler Machinery, in the amount of \$376,300.00. Scott wants more information as to why we aren't going with lowest bidder. Wolterstorff said he could get more information to present at the next Public Works meeting. Substitute motion was made by Wright, second by Weifenbach to continue to the September 15, 2015 Public Works meeting. Motion carried.

Motion was made by Wright, second by Weifenbach to (CC090815-02.4) continue to the September 15, 2015 Public Works meeting. Scott stated the bid went out with a trade-in and the bid that was awarded was without the trade-in. Wolterstorff stated there would be better clarification at the next meeting. He said sometimes when the City doesn't get the value they think they should, they will drop the trade-in option. Landeen said trade-in is usually listed as an option and since they City might not get the value they think the item is worth, it could also be surplus a different way. In response to a question from Scott, Sumption stated a resolution to surplus is required. The general language talks about surplus, trade or scrap. She said state laws require that the bid be awarded to the lowest bidder meeting bid specifications. She clarified that when trade-in's are involved with bids, the lowest bidder is per gross, not net. In response to a question from Weifenbach, Sumption stated this South Dakota Codified law is 5-18a-14. Motion carried.

NON-CONSENT ITEMS

Curt Pochardt (LF081215-17) requested that Council deny the ordinance and keep the position as an Office of the City. He urged the Council to leave the system they currently have in place.

Ordinances

Ordinance No. 6068 (No. LF081215-18) Supplemental Appropriation No. 3 for 2015, having passed its first reading on August 17, 2015 motion was made by Drew, second by Nordstrom, that the title be read the second time. In response to a question from Scott, Sumption said there were no changes from the first reading to the second reading. Upon vote being taken, the following voted AYE: Laurenti, Wright, Weifenbach, Doyle, Estes, Lewis, Drew, Roberts, Nordstrom and Scott; NO: None; whereupon the Mayor declared the motion passed and Ordinance No.6068 was declared duly passed upon its second reading.

Resolution No. 2015-091 (No. LF090215-14) Resolution of Intent to Take the Statutorily Authorized Increase in Property Tax Revenue as Part of the Annual Appropriation Ordinance for 2016. Mayor Allender went over rules of debate, set by council, that there is a five minute limit per item and each Councilperson is allowed to speak twice per item. Motion was made by Scott to not take the CPI, second by Weifenbach. Scott is voting no because she does not think she has been given enough justifiable information to take the

increase. Doyle stated the CPI will generate approximately \$224,000.00. Some items that have impacted the numbers for 2016 are workers compensation premiums for the fire department went up \$247,000.00, the electric costs for the general fund department is going up \$182,551.00, and natural gas almost \$33,000.00. Doyle stated what puts thing in a different perspective for her is the cost of living and the City needs to keep giving that. She urges her colleagues to consider what the dollars really mean in the bigger picture. The City is talking approximately \$5.03 increase to property tax per \$100,000.00 valuation. Wright, said approximately ¼ of general fund budget is property tax, if the CIP is not taken then they should ask to take the budget back to the mayor. He said to meet the City's costs, they need to raise the property taxes. Weifenbach doesn't support the CPI. He doesn't support the tax increment districts for developments that aren't built yet, but the Council passes TIF's and doesn't think about the people who are already here and are protecting them by raising their taxes. Weifenbach said the City needs to be better at their jobs and take the money from somewhere else. Doyle said the taxes don't all go to the City. The City gets approximately 18-19% and that amount is used to pay for the police department, everything else comes from sales tax. The schools and county get a portion of the property tax as well. Laurenti said increasing property taxes isn't the answer. Laurenti wants to know the figures for the increased revenues for property taxes. He doesn't feel the Council is advocating for the tax payers. In response to a question from Lewis, Sumption said they are using 3% for the projected sales tax revenue in 2016, this year the percentage is 3.46%, and historically they are roughly around 4% but have seen more or less. Lewis clarified that the civic center is not funded by property taxes, it's all sales tax revenue. Lewis sees reasons for and against the CPI. He said the City is not trying to tax people out of their homes. Sumption said if the property values go up year after year, the mill levy should go down. She said the City is not asking for the CPI to address new services, she said CPI money is to maintain services at current levels as they are now. They have been continuing to do more with less resources. If the City continues to use undesignated cash to balance the budget the money will eventually run out. Undesignated money is one time money, it is not for ongoing expenses. She looked at every option concerning the general fund money. She looked at every line item to see where increases were and other than wages and salaries, worker's compensation shows a \$322,000.00 (33.3%) increase, health insurance premiums increased \$296,000.00, chemical supplies are up 22.2% totaling \$168,000.00 for snow removal for salt/sand mixtures for the roads, electricity increased \$182,000.00. Also some minor equipment purchases, increase to capital outlay and Black Hills Vision. Out of those seven object codes they total almost 1.3 million dollars, not including salaries and wages. Wright said the City is in dire straits to fix the streets, he doesn't like it but believes the CPI needs to be taken. Nordstrom supports the CPI. He said the streets are crumbling and the CSAC building is deteriorating. Weifenbach advised that he doesn't agree with the Finance Officer's numbers. He stated the average income for a family of four in Rapid City is \$42,000.00, he believes we are burdening the citizens with the increase in property taxes. In response to a question from Drew, Sumption said the CPI is for this year only, it is not a permanent part of the budget. Drew supports the finance officer's recommendation. She thinks if they don't take the CPI now, they are setting up tax payers for even higher taxes later. Roberts stated that the citizens in his ward live at or below the poverty line. He is looking out for them and does not want the CPI. He believes there are places where money can be cut. Estes appreciates both arguments. He said there were four budget hearings and if they really didn't want the CPI, they had four meetings to come up with budget cuts. Since that wasn't done, he will be voting in favor of the CPI. Scott called the question. Motion to call the question passed 8-2, with Lewis and Laurenti voting no. Motion to deny taking the CPI failed, 6 to 4, with Lewis, Drew, Nordstrom, Wright, Doyle and Estes voting no and Roberts, Scott, Laurenti and Weifenbach voting yes.

RESOLUTION NO. 2015-091

RESOLUTION OF INTENT TO TAKE THE STATUTORILY AUTHORIZED INCREASE IN PROPERTY TAX REVENUE AS PART OF THE ANNUAL APPROPRIATION ORDINANCE FOR 2016.

WHEREAS, SDCL 10-13-35 limits cities ability to increase the revenue collected from property taxes in their annual budgets; and

WHEREAS, pursuant to state law, the City of Rapid City may only increase the revenue collected from property taxes by the amount of growth and by the amount of the Consumer Price Index (CPI) or 3% whichever is less; and

WHEREAS, the City may choose to take all of the statutorily authorized increase in property taxes, may choose to take part of the increase, or may choose to forego any increase in property taxes as part of its annual appropriation ordinance; and

WHEREAS, the City adopted Resolution No. 2012-004 which requires the City Council to approve a resolution that informs the community that the City intends to take the statutorily authorized increase in property taxes as part of the City's annual appropriation ordinance prior to second reading of the ordinance; and

WHEREAS, the City is allowed by state law to take a 1.5% increase in property taxes for 2016 which equals approximately \$224,340 in additional property tax revenue; and

WHEREAS, the City budget for 2016 includes the statutorily authorized increase in property taxes to account for inflation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Rapid City intends to take the statutorily authorized increase in property taxes of 1.5% for 2016 as part of the annual appropriation ordinance.

Dated this 8th day of September, 2015.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

Ordinance 6069 (No. LF081215-19) FY2016 Appropriation Ordinance having passed its first reading on August 17, 2015 motion was made by Estes, second by Nordstrom, that the title be read the second time. Amended motion was made by Scott, second by Laurenti, to remove council raises from the budget. Scott said for her this job is part of giving back to the community and not about the money. She understands the some members think that a raise will entice new people to apply for the position in the future. Estes supports not getting a raise. Laurenti supports removing the raise. He said the position is a service but also a low paying job. Wright said an increase should be accepted especially for future candidates. Weifenbach doesn't believe the raise is needed. Nordstrom supports not taking the increase. Lewis doesn't think they need an increase. Drew will be voting against the increase. She said all of the council members give a lot of their time and it has to do with real compassion for the City, it's not about the money. Scott called the question. Amended motion to remove the Council raises passed 9-1 with Wright voting no. Motion was made by Lewis, second by Estes to approve the amended budget, Upon vote being taken, the following voted AYE: Wright, Weifenbach, Doyle, Estes, Lewis, Drew, and Nordstrom; NO: Laurenti, Scott, and Roberts; whereupon the Mayor declared the motion passed and Ordinance No.6069 was declared duly passed upon its second reading.

Ordinance 6071 (No. 15RZ015) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by City of Rapid City for a **Rezoning from No Use District to Low Density Residential I District** for property generally described as being located at 3400 N. Elk Vale Road. Motion was made by Scott, second by Nordstrom and carried

that Ordinance No. 6071 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2015.

Ordinance 6072 (No. 15RZ016) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Donna J. Lippert for a **Rezoning from General Commercial District to Medium Residential District** for property generally described as being located at 727 Franklin Street. Motion was made by Scott, second by Nordstrom and carried that Ordinance No. 6072 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2015.

Ordinance 6073 (No. 15RZ017) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Renner and Associates, LLC for a **Rezoning from General Commercial District to Office Commercial District** for property generally described as being located at 1240 East Minnesota Street. Motion was made by Scott, second by Doyle and carried that Ordinance No. 6073 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2015.

Community Planning & Development Services Department Items

Motion was made by Scott, second by Drew and carried to Approve (No. 15PL065) A request by Dream Design International Inc. for a **Preliminary Subdivision Plan** for property generally described as being located at south of Marlin Drive between Creek Drive and E. Minnesota Street with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street constructed with curb, gutter, sewer and dual water mains or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. In addition, the construction plans shall show the construction of sidewalk along Elk Vale Road or a Variance shall be obtained from City Council; 2. Upon submittal of a Development Engineering Plan application, construction plans for East Minnesota Street shall be submitted for review and approval showing a second water main along the street or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application. 3. Upon submittal of a Development Engineering Plan application, a plat document shall be submitted for review and approval showing Marlin Drive located within a minimum 78 foot right of way for a distance of 200 feet from the Minnesota Street intersection. The balance of the street shall be located within a minimum 68 foot wide right-of-way or an Exception shall be obtained. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for the commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 shall be submitted for review and approval showing the street located within a minimum 70 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 an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway extending north-south through the property and the section line highway extending east-west through the property shall be submitted for review and approval showing the street(s) located within a minimum 70 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 prior to submittal of a Development Engineering Plan application, the section line highway(s) shall be vacated or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, utility easements shall be secured as needed; 7. Upon submittal of a Development

Engineering Plan application, sewer plans and analysis prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The plans shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity. In addition, the plans shall confirm that the Jolly Lane Lift Station and downstream gravity sewer main can accommodate flows from this area or additional sewer infrastructure to support the proposed development shall be provided. A Sewer Master Plan shall also be submitted to ensure that the proposed sewer can serve future development. Utility easements shall be secured as needed; 8. 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. 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; 9. Upon submittal of a Development Engineering Plan application, a drainage plan prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and in compliance with the City's Drainage Basin Plan shall be submitted for review and approval for subdivision improvements or an Exception shall be obtained. The drainage plan shall address storm water quantity control and storm water quality treatment. Drainage easements shall also be provided as necessary; 10. Upon submittal of a Development Engineering Plan application, a grading plan and 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 for subdivision improvements; 11. 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; 12. Prior to submittal of a Final Plat application, a street name for the unnamed commercial street located between Lot 1 of Block 1 and Lot 5 of Block 3 shall be submitted to the Emergency Management Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street name; 13. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required; 14. Upon submittal of a Final Plat application, all private drainage infrastructure not dedicated to the City of Rapid City shall be identified and a covenant agreement, property owner's agreement or some other form of agreement shall be submitted for recording to identify and ensure perpetual ownership and maintenance of the private drainage improvements; 15. 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, 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Motion was made by Scott, second by Estes and carried to Approve (No. 15PL066) A request by Renner and Associates, LLC for Joseph L Theberge for a **Preliminary Subdivision Plan** for property generally described as being located at 8105 W. Highway 44 with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the north lot line shall be submitted for review and approval showing the street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or prior to submittal of a Development Engineering Plan application, the section line highway shall be vacated by Pennington County or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for the section line highway located along the west lot line shall be submitted for review and approval showing the street constructed with a minimum 26 foot pavement width, curb, gutter, sidewalk, street light conduit, dry sewer and water or an Exception shall be obtained to waive the street improvements. If an Exception is obtained, a copy of the approved Exception shall be submitted with the Development Engineering Plan application 3. Upon submittal of a Development Engineering Plan application, documentation shall be provided demonstrating that the existing on-site wastewater system located on proposed Lot 1 has been

permitted by Pennington County; 4. Upon submittal of a Development Engineering Plan application, soils data for proposed Lot 2 shall be provided demonstrating that the soils are suitable for an on-site wastewater system; 5. Upon submittal of a Development Engineering Plan application, water testing data for proposed Lot 2 shall be provided demonstrating that potable water is present; 6. Upon submittal of a Development Engineering Plan application, a drainage plan in compliance with the City's Drainage Standards shall be submitted for review and approval if subdivision improvements are required. In addition, the plat document shall be revised to provide drainage easements as necessary; 7. 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; 8. 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 Registered Professional Engineer; 9. 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; 10. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval if subdivision improvements are required; 11. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording at the Register of Deed's Office to ensure that residential fire sprinkler protection is designed and installed as per NFPA 13D throughout all new residential structures; 12. Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Limited Agriculture District by Pennington County or a Variance shall be obtained to waive the minimum lot size requirement. Upon submittal of a Final Plat application, documentation shall be provided showing the actions of the Pennington County Commissioners and/or the Pennington County Zoning Board of Adjustment; 13. Prior to submittal of a Final Plat application, the plat document shall be revised to include the following note: "Prior to obtaining a permit or constructing any structure, petitioner, his heirs, assigns or successors in interest agree to install a total wastewater containment system for each lot. Prior to installation of such system, plans stamped by a Registered Professional Engineer shall be submitted and approved by the City of Rapid City or Pennington County, whomever has jurisdiction. Notwithstanding the foregoing and in lieu thereof, plans for a conventional or alternative on-site wastewater system may be approved by the City of Rapid City or Pennington County, whomever has jurisdiction, subject to the review and approval of a complete report of the soils and geological investigation performed by a qualified Professional Engineer to demonstrate that the proposed conventional or alternative system meets all State, County and local regulations"; 14. Prior to submittal of a Final Plat application, the shed located within the section line highway along the north lot line shall be removed from the section line highway. In addition, the shed shall be located outside of the minimum 25 foot setback to the section line highway or a Variance from the Pennington County Zoning Board of Adjustment shall be obtained. If a Variance is obtained, a copy of the actions of the Zoning Board of Adjustment shall be submitted with the Final Plat application; 15. Upon submittal of a Final Plat application, a Road Maintenance Agreement shall be submitted for recording; 16. 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, 17. 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).

Council Items & Liaison Reports

Motion for Delivery of Items from Committee

Ordinance 6070 (No. LF081215-17) An Ordinance Reclassifying the Executive Assistant/Program Coordinator Within the Mayor's Office so the Position is No Longer an Officer of the City by Repealing Section 2.12.070 of the Rapid City Municipal Code. Motion was made by Lewis, second by Scott, to send back to the Legal & Finance meeting on September 16, 2015 to produce the ordinance for City Council.

In response to a question from Wright, Mayor Allender said this is a competitive job process, this person is hired not appointed. In response to a question from Laurenti, Landeen said ordinance is being sent back to Legal and Finance committee to compel them to produce the ordinance for the City Council. Landeen said Legal and Finance is not able to table the item again, they need to come to a decision. Laurenti stated that the Council voted unanimously in 2011 to make this an officer position. He believes the position should stay as an officer. He said there is an appointment by the Mayor and consent by City Council to appoint this person. He doesn't want to give that up. Nordstrom supports bringing the item back to the next Legal and Finance meeting. In response to a question from Allender, Landeen said the item will go back to Legal and Finance to take off the table and make a recommendation, it will not go straight to the next council meeting. Roberts stated that the citizens will have a say in who they think is a good candidate for the position. Lewis said Kay Rippentrop was part of the administration for 42 years. He believes the Mayor has the right to choose. Weifenbach votes to send back to Legal and Finance. In response to a question from Wright, Jeff Barbier said the job is posted and is a competitive job process. Scott and Estes approve going back to Legal and Finance. Motion was approved, 9-1, with a no from Roberts.

PUBLIC HEARING ITEMS **CONSENT PUBLIC HEARING ITEMS**

The following item was removed from the Consent Public Hearing Items:

49. Backroom Productions, Inc. for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for September 23, 2015 at Barefoot Dance Studio, 412 5th Street

Motion was made by Weifenbach, second by Laurenti and carried to approve Item 50 as it appears on the Consent Public Hearing Items.

Alcohol Licenses

50. Black Hills Mountain Bike Association for a SPECIAL EVENT Malt Beverage License for an Event Schedule for September 12, 2015 at Founders Park, Tract 17, Rapid City Greenway Tract

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Weifenbach, second by Laurenti and carried (9-0-1) with Drew abstaining to approve Backroom Productions, Inc for a SPECIAL EVENT Wine and Malt Beverage License for an Event Scheduled for September 23, 2015 at Barefoot Dance Studio, 412 5th Street.

NON-CONSENT PUBLIC HEARING ITEMS

Motion was made by Laurenti, second by Estes and carried to (No. CC090815-04.1) Approve Lease Agreement Between the City of Rapid City and the Rapid City Club for Boys. In response to a question from Scott regarding Exhibit A regarding legal description, he said there was too much legal to list but it is the area immediately south of the Club for Boys where they sell Christmas trees. He stated the City has had a lease with them for a long time and this lease extends the agreement for 10 years. He clarified the property is contiguous to their property, north of New York street. Motion carried.

BILLS

The following bills have been audited.

BILL LIST - SEPTEMBER 8, 2015

P/ROLL PERIOD END 08/31/15, PD 08/31/15	1,444,121.52
P/ROLL PERIOD END 08/22/15, PD 08/28/15	1,018,505.14
CDEV P/ROLL PERIOD END 08/22/15, PD 08/28/15	2,866.61

Sumption presented the bill list total of \$9,697,668.26. Motion was made by Estes, second by Laurenti and to authorize (No. CC090815-01) the Finance Officer to issue warrants or treasurers checks, drawn on proper funds, in payment thereof, Motion carried 9-1, Weifenbach voted no.

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 9:00 p.m.

CITY OF RAPID CITY

Mayor

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