

CITY OF BOX ELDER COMMON COUNCIL MEETING MINUTES
Tuesday April 3, 2018
7:00 pm Regular Meeting – City Council Chambers, 420 Villa Drive, Box Elder

Public comments are welcomed, but no action will be taken by the Council on comments received for items not on this agenda. Anyone wishing to have the Council vote on a new item will need to fill out an agenda request item form for the item to be considered on the next council agenda.

1. Call meeting to order

Present were Mayor Larry Larson, Council Members Scott Allen, Steve Cowley, Bruce Hegel, Jeff Hollinshead, and Tricia Weathers. Also present were Interim City Attorney: Richard Pluimer, Police Sergeant Josh Campbell, Public Works Director Bob Kaufman, Planning and Zoning Director Ron Koan, City Clerk Michael Alcanter, and Accountant Mandy Morris.

2. Moment of Silence/Pledge of Allegiance

3. Roll Call

4. Approve Agenda

Motion by Allen, seconded by Hegel. Vote Aye: unanimous.

5. Declaration of any potential conflicts-of-interest

CONSENT AGENDA: Agenda items 6 through 11 on the Consent Agenda are meant to be approved as a group with a single motion. Questions may be asked of any Consent Agenda items but may not be debated. Any Consent Agenda item may be removed from the Consent Agenda for separate action at the request of any Council Member or anyone present. All questions are to be directed to the Department Head.

6. To approve the reading of the March 20, 2018 Common Council Meeting Minutes.

7. To approve Payroll 7 (March 4- March 17). Total Payroll \$71,016.68; General Government: \$4,585.12; Finance Office: \$5,281.96; Police Department: \$30,204.44; PW Street Maintenance: \$6,463.69; PW Parks \$4,454.59 Planning & Zoning: \$5,697.57; P & Z Board: \$750.00; PW Water Production \$6,042.20; PW Water Distribution: \$4,353.74 and PW Sewer Collection: \$3,183.37.

8. To approve the claims, loan payments, and hand checks.

9. To approve Business License for Club Amistad, application #1771 at 316 Villa Dr.

10. Authorize Mayor to sign 2018 Arbor Day Proclamation

11. To approve extending job offer to Nathan D. Gjovik for the position of Assistant Public Works Director, salary TBD within Approved Budget Salary not to exceed \$70,620.10. (Salary pre-approved during budget hearings.)

To discuss and decide action on Consent Agenda Items 6-11.

Motion by Weathers, seconded by Cowley to approve noting the updated/corrected meeting minutes. Vote aye: unanimous.

CITY BUSINESS:

12. CITIZEN SARA SULLIVAN: Request for adjustment of monthly sewer fee because of water leaks during months used to establish sewer rates.

Citizen: Yes, I am her father. She is working. She had a water heater leaking which I replaced last month for her. Her last water bill that she showed me the water usage was 2,868 and sewer usage was 21,000. She told me the sewer rates are dealt with on two or three months through the whole rest of the year. Larson: November, December, and January. Citizen: I was wondering if that could be adjusted because of her problem. It just seems weird that the water bill is \$17.06, and the sewer was \$124.00. Hollinshead: Bob would it be possible to isolate one house and go back over a new three-month period? If the resident was willing to do that understanding that we are getting closer to summer to establish a new average? Kaufman: I don't know the complete history of this account. How long has she been in that house? Citizen: I think about a year and a half, maybe two years. Kaufman: It would be my recommendation that we go back and look at last November, December, January and adjust based upon those water. Hollinshead: I would make that motion. Hegel: I would second that. Weathers: If I can clarify, you are meaning 2015-16? Kaufman: No, it would be 2016-17. Hollinshead: Would we do an average from 2016-17, is that what you are recommending? Kaufman: The normal period is November,

December and January. What I was recommending is going back just one year. Weathers: In our packet it actually has it. Hollinshead: \$67.00. Weathers: Yes. Hollinshead: Would it be better to change the motion to the amount that is on those dates? Kaufman: Yeah, we can do that. Hollinshead: Dick, would that be appropriate? Pluimer: Yeah, just withdraw the motion and second. Make a new motion. Hollinshead: Ok. I would withdraw the initial motion regarding years 2016-17. Larson: Who seconded that? Cowley, would you withdraw that? Cowley: Yeah, I withdraw the second. Hollinshead: I make a new motion that we go with the actual numbers of \$67.49 a month, sewer bill will be adjusted to that rate going forward. Motion by Hollinshead, seconded by Cowley to adjust sewer bill to \$67.49. Vote aye: unanimous.

13. CITIZEN LETICIA MESTETH: Request for adjustment of water bill because of a water leak in the bathroom.

Citizen Mesteth: Mine is kind of the same situation I had a bathroom leak and now my water bill is \$350.00 a month which I can't afford. My water is currently off, I need \$800.00 to turn it back on. I show my water usage only \$35.00 and my sewer is \$279.00. Weathers: do we not have the same information on this account? Alcanter: No, this was submitted by the citizen. Bob had prepared the other one, all we have is what she provided. Weathers: How long have you lived in there? Mesteth: Four years, my water bill has been at the most \$120.00, I think. Weathers: That is a significant difference between, 7,000 gallons a month versus 52,000 a month in sewer. I would make a motion that we go off the previous year's average for November, December and January. Hollinshead: Is that for sewer? Weathers: For sewer, yes. Mesteth: So, does that reduce and it to turn it back on? Kaufman: We would make the adjustment, then what ever is due would have to be paid before the water is turned back on. Weathers: But the adjustment would be retroactive? Motion by Weathers, seconded by Cowley to look at the previous years sewer bill and adjust accordingly. Kaufman: It would reduce water bill yes. Hollinshead: Currently it is \$279.40 for that sewer bill. Obviously, I would guess that it would be substantially reduced? Kaufman: Yeah. Just come in and we will have staff look at it. Motion by Weathers, seconded by Cowley to reduce sewer to last year's sewer rate? Vote aye: unanimous.

14. FINANCE: Second reading of Ord. #592 for budget appropriation to amend ordinance #579, 2018 budget.

Morris: This is just the second reading related to our additions for the loan payoff.
Motion by Weathers, seconded by Cowley to approve. Vote aye: unanimous.

15. PLANNING & ZONING: Discuss and decide action on Ordinance #593. Changing the zoning of Lots 1-4, Block 9, Northern Lights Subdivision from Residential to General Residential 3- Mixed Use Residential.

Koan: This is changing the zoning map from the last meeting that was approved. Allen: Ron with all the questions over the weekend could you kind-of outline the second egress up there. Koan: Relative to those here from Northern Lights, Council and Planning commission have told Mr. Estes on many occasions. He has twenty-eight lots left; he is allowed to develop those today. He will not be allowed to plot any additional lots in that subdivision until he gets a second exit out of there. The Council is on board with that. He has been told many times and is very aware of that requirement. We are working on other developments west of him that would provide an opportunity to build a less expensive way out of that subdivision. He has two more lots he can build fourplexes on to the East side; the rest of them are single family. Citizen Glee: So, these are not going to be apartment buildings these are going to be duplexes? Koan: Fourplexes. Citizen Glee: So, the same as what's already on Denali? Koan: No, there will actually be four fourplexes there. Two additional on each of the lots that are there; they will be a little bit different, but they will still be fourplexes. Citizen Glee: So, not an apartment building then. Koan: They are a little smaller than the ones that are there today. A fourplex will be placed on each one of those lots. There will be three two-story units and a two-story unit at the end. They will all have drive under garages and be about twenty-four feet wide. Citizen Scott: My understanding is there are going to be carports underneath them? Koan: The documents they have shown us depict garages. We cannot dictate garage or carport. The details they showed planning will be garages. Citizen Scott: I would like to state, that during Planning and Zoning nobody in the Northern Lights Subdivision opposed the townhomes. I would like to clarify, yes, we were. The original was a huge apartment building which we were totally opposed. The townhomes were a compromise between the neighborhood and Mr. Estes. Koan: We held another public hearing just recently and there wasn't input relative to that. Before you guys obviously had some input to that. Citizen Scott: We just found out from the little rezoning sign way back in the corner of the street that nobody hardly lives on. Koan: You did not get notified because you are 600ft away. Citizen Scott: I understand that; the last time the sign was put up by the mailboxes. Koan: Because it was relative to that parcel of land. Larson: Could you state your name for the record. Citizen Scott: Scott Lemming, I live at 1237 Fairbanks. Larson: When you want to address Council, please state your name. Citizen Glee: Glee Tooth, 1210 Juno Drive. Larson: Thank you, I appreciate that. Citizen Kathleen My name is Kathleen Lemming, I also live at 1237 Fairbanks Drive. I understand that Mr. Estes has twenty-seven lots, and he certainly has the right to develop those; if I were him I would want to do the same as well. It's a nice retirement fund. My question is we only have one access in and out, this is Rapid City, SD; there are tornadoes, there are grass fires, there are fires in the neighborhood. When I looked at the comprehensive plan that this council approved, as well as the traffic plan this council approved as well; I have a couple of comments. I want you to take those into account, before you would make your decision on the final vote, if you will allow me? Larson: You can go ahead. Citizen Kathleen: On Friday, I became aware of the rezoning request from residential to residential mixed use. I understand I cannot dictate to Mr. Estes how he chooses to develop the lots on Denali Drive, as long as it is within the current zoning ordinances. I am concerned about the amount of people in the subdivision; that we have safe access from their homes within the subdivision. Without a physical tour of the area I'm going to paint you a picture. In order to get in there, you have to drive down Cheyenne Boulevard. That means you have to go past the Baymont, the Sleep Inn, three restaurants, a gas station, and Black Hills

State University. Then you get into the subdivision itself, and your compressive plan acknowledges that most neighborhoods and subdivision only have one point of ingress and egress. Creating an unsafe environment in the event an evacuation is needed. You also need to take into account we have Mountain View Village, which according to your comprehensive plan, states specifically that the largest rental units in Box Elder are Northern Lights Subdivision and Antelope Ridge. Mountain View Village has 128 rental units and according to the comprehensive plan the average occupancy for a rental unit is 2.75 people. That comes out to 460 people. We have a new thirty-unit rental complex built by Mr. Estes within the last year. Again, you multiply that by 2.75 you come up with 77 people. There are 48 existing single homes in that area with that, owner occupancy 2.89 so its 138 people. This is just your numbers that I pulled from your comprehensive plan. We have the fourplex townhomes, those are for sale from what I understand. That would come out to 46 people. We also have one duplex townhome, again 2.895 people, Kodiak Drive was just approved, there is 20 lots on that, and now the fourplexes. Not even looking at those potential ones, we are looking at 728 people. I want you to think about Daniel, who is my neighbor, he is two. On my street are 14 homes, 7 of them have children under the age of five with three newborns on the street as well. In two years they are going to be outside playing or there is going to be a tornado. The hotels, even if the top floor was taken off one of the hotels, there is the debris on the ground, and you're not getting to us. We cannot get out of there. Same with a grass fire, we just cannot get out of there. I want you to take that into account. In section 7.3 of 7.1 service responsibilities of the comprehensive plan it states, some neighborhoods only have that one point of egress limiting emergency access. Now, I understand the police and the fire department do like to keep response time three to five minutes. You need to consider we are over four miles away. There is no one there for us, so we are kind of on our own before police or the fire department gets there. That's just not reasonable to me. We have a mixed neighborhood as you know. We have retired people there, we have neighbors that are terminally ill. I got a call at six o'clock in the morning and it had snowed that night. Can you come down and help me? Yeah, what's a matter. I can't get to the road and we called the ambulance. So, we went down to help, we were able to shovel the driveway as well as the front walk before the ambulance got there. I'm just asking you to take into account these are people. Not just buildings, not just somebody's retirement account. It is your neighbors, think about your own families. How soon do you want someone to get to you if there is an emergency? I ask you to take that into account. I understand what I am asking for is a huge amount of money, I get that, I live here, I pay taxes here. Being a former state supervisor, I certainly understand how the money plays out and how it all has to come together. I'm just asking you to come up with a solution, before any further development is done in the area.

Larson: As Ron said, once we get to that phase done there won't be any further buildings.

Citizen Terrance: Terrance Hollohan, 620 Northern Lights, did you agree to stop that now till further construction?

Koan: Yes, sir

Terrance: You did, Ok.

Larson: There is a phase that they are doing now that they will be allowed to finish. Once that phase is done, there is a moratorium on any further building until another exit is built.

Citizen Kathleen: What if Mr. Estes decides at lot 26 I am done. I have had enough the economy goes in the tank. What do we do then?

Koan: I don't believe that by ordinances or any other reason, I don't think we have legal standing to make him do that. We can talk to our legal counsel about that.

Plumier: You mean if the current ordinance has been approved?

Koan: There is not much we can do?

Plumier: Not that I'm aware of.

Larson: Yes, sir.

Citizen Scott: I'm just curious, we brought up the last time cause of all the construction going on Juneau Road, which is one of the newer roads, is already buckling and it is getting worse.

Larson: Any further discussion?

Hegel: I understand your situation. I know as long as I have been on council, which has been three years there has been talk of a second egress in to it. Its just a matter of making dollars and cents work, working with Mr. Estes, working with the railroad. I know there are people that are working on it. I hope it does come through soon, it has been in the back, we try to move it forward all the time.

Citizen Scott: We are playing the lottery hoping nothing happens.

Hegel: I understand that, there are other communities in that situation. In the one I live in too we have quite a few homes and only have one exit in and out.

Citizen Kathleen: Do you have as many people?

Hegel: We have 40 homes not as many as you guys do, I understand that.

Citizen Kathleen: The two hotels and Black Hills State, Black Hills State has a 4100-student population. I drive past every day, I have a good friend and she works there. Even a gravel road would be good. I would be happy to work with someone or do any kind of research that you would need to try and find a grant. You know there's all kinds of grants available. I would be happy, I just need a little bit and I will take it from there and find a grant. If that is what needs to be done. I would be happy to do that. There's a reason I was good at what I did.

Hegel: What I'm getting to you is I don't think as a council here that we can stop him from developing stuff that we already granted.

Larson: Like we said we are not allowing any further development, there is a moratorium.

Citizen Kathleen: How long does he have that, it could be ten years.

Larson: That is possible, we can't force him to do something before present houses are done.

Citizen Kathleen: But I can ask you to come up with something.

Larson: We are working on something actually. We are hoping that within six months we will know something.

Weathers: It has been a priority I think for all of us, to try to find a solution, its just trying to find the solution that works.

Citizen Kathleen: Well I did see that in your traffic plan the prioritized road way projects. The Northern Lights Boulevard it's a long-range plan out, as well as Cheyenne Boulevard. The traffic accident in the best plan, the safety in table two the top crash intersections. In the study area Elk Vale Road and the Frontage Road where not investigated.

Koan: Not in city limits, that is why.

Citizen Kathleen: I get that, the traffic study did take into account the other intersections, you have not taken into account anything for Northern Lights Subdivision. It did not include the traffic studies from there. New construction in your comprehensive plan goal H4, CPF4 fire protection policy's again there are things being done as well as your traffic plan has not been updated. Have not been followed through on either. I'm just asking we're your citizens, we're your neighbors, we're your friends, we're your cousins, we go to church with you, and your leaving us high and dry.

Larson: We are doing whatever we can do right now. We can't stop them from developing the rest of that phase. Like I said we are working very hard to try and come up with a second exit that will be before they are done with that phase.

Citizen: Kathleen: Six months you say?

Larson: I

would think we would know something whether is going to happen. It won't be done by then, we will know whether we are going to be able to make it happen. Citizen Kathleen: Where would that be discussed at? Planning and Zoning? Koan: No, it will be here at Council, cause a lot of it is in Rapid City relative to this. We are working with a lot of agencies. Citizen Kathleen: Right I did see that you are working with Rapid City MOA isn't it? Koan: No, Rapid City proper, State of South Dakota, a private partner, City of Box Elder, and a lot of moving parts. Citizen Kathleen: Who can I contact to follow up on this. Larson: You can contact this office here in six months and we will see where we are at with that. Citizen Kathleen: How about I check up with you in a couple months? Larson: See if we are any closer, absolutely. Hollinshead: If I could interject for a moment. I understand exactly what you are going through over there. I understand that's the responsibility of the developer to put in these egresses. That is per Box Elder, that is their responsibility. I appreciate you coming in here and voicing your concerns with us. What we are trying to say is we are working different avenues on this, but it is not our responsibility as a city to put in those egress. It's our responsibility to hold the developer to their note to make sure they are taking care of their process. I want you to understand there is long process that is going on. That's been a concern of this council, Mr. Hegel said for his three years, its been longer then that, I have been on Council five years. We have been talking about these issues, not only talking about them but working toward solutions toward them. Citizen Kathleen: Are these in writing? Hollinshead: The solutions? Citizen Kathleen: Not the solution, the stipulations, you cannot go past this lot number without it in writing. Either by city council, something that would hold up in court. If you're an attorney first thing that happens is well that's really nice that you had a gentlemen's agreement, but where is the writing, where is the documentation. Koan: Council took action some time ago, I don't know if it was a formal resolution, I can't remember what it was. We will look into that. Hollinshead: I know all new developments that we have done, that has been a requirement and a stipulation that's been put on to all developers to ensure that is happening. Because that has been an issue in the past. Weathers: Antelope Ridge. Hollinshead: Yeah, Antelope Ridge, the last one we did was the one with Boomsman. Koan Liberty Lighting up here we made sure they had a second exit. Hollinshead: We have recognized it, we are working on cleaning up those issue. Much of this as your talking to this council, we are picking up where others left off and putting that stuff in place, so we can move forward with that. Citizen Scott: We did bring this concern last time when Mr. Estes was here. When he was planning on building the apartment building and all the townhomes that something needed to be done. Has he made any plans. Hollinshead: Sorry Sir? Koan: Yeah, he's made plans with that second exit, just has not funded it, that's the key thing. Citizen Glee: Who keeps track of him and getting the funds for him to do this road? Who keeps track of that? Koan: As said earlier he is allowed to build out what he has there. We can't force him to put the road in after the fact. Coming forward if he wants to do more lots and make more money obviously, then he has to put that in. We can't force him to fund something that we don't have the ability to do. Citizen: Are we conceding to the developer to keep expanding this from residential, general residential to mix use? Why can't we hold it against him before we start expanding. This was residential front porch community, you know that Mr. Koan. Koan: Right, there's a master plan for that of 300 homes plus mix used apartments. He presented that many years ago. That the city is following at this time. He is inline with what he gave the city back in 2008 for his master plan. I know that wasn't shared with you people when you bought your properties. That's the thing we put that on realtor, developers obviously. There's a major plan for that, to his credit he is sticking to that plan. Citizen: So, we can't hold it to residential till he puts that road in? Why do we keep expanding with more people, like Kathy said more cars, why are we letting this go on if he is going to fight you ever step of the way? Weathers: Its already been approved. Larson: Yeah, its already been approved, he has the right to put in that many more homes. What was it? Koan: There's 28 lots left over there. Two lots per as we are talking about changing the map to night for a couple fourplexes. The rest are single family lots. Weathers: Ron can you correct me if I'm wrong, when we approved this it was approved for the entire phase, not per individual expansion. Koan: Right, absolutely. Weathers: The entire phase was already pre-approved. Until he completes that phase we don't have a stop point. Where we can say you can't do anymore building, we are not approving the next phase. This phase was already approved. Koan: We have policy in platting, we don't accept the final plat, even though the planning commission approved the concept. We do not accept the final plat until we accept the roads and everything else. That was just recently done. He has proceeded as he showed them to the council planning in the last six months or so. Citizen Glee: Why are we even voting on rezoning today? If it was already approved. Koan: Because it was preliminary approved, we have to formalize the mapping. Last council meeting they did approve the zoning formally. We have to by ordinance change the mapping. That is what we are doing here tonight. That's what the ordinance is. There are procedures we have to follow by state statues. Citizen Jenny: Since we are looking at things your working on do you know where the second road would be? Larson: I don't know that we want to say, we are trying to negotiate some things. I don't know we want that out in the general public at this point. Citizen Jenny: Well then for what it is worth Northern Lights right across from those lovely apartment buildings. When you come into the subdivision they have the Box Elder park there. Two of the apartment units have little park areas for their children. If the road were to go down Northern lights it would be right where the children would be playing. Living there for eight years people drive like maniacs thinking they can get to Box Elder and when they can't they turn around at the storage unit and speed out. Then the people that drive just to the storage unit drive like maniacs. The speed limit there is 25 and they do well in excess of that. Larson: Any other comments? Motion by Weathers, seconded by Hegel to approve the map change. Vote aye: unanimous

16. PLANNING & ZONING: Discuss and decide action in regard to Minor Plat #180042 for Lot 1 of Lot B DSDP Subdivision.

Koan: This is the K&M tire property that we talked about. Ellsworth Development Authority is conveying to them for that tire facility.

Motion by Allen, seconded by Cowley to approve the Minor Plat. Vote aye: unanimous

17. PLANNING & ZONING: Discuss and decide action in regards to rezoning Lot B, of DSDP Subdivision from Commercial to Highway Service Zoning designation (Zoning Amendment 180030).

Koan: This is the entire 111 acres that is known as Renal Heights that SEDEADA does own, relative to where the tire place is going to. It gives them better use, less density, it helps us on water usage and things like that. Planning commission held a hearing and recommends.

Motion by Hollinshead, seconded by Cowley to approve to rezone Lot B, of DSDP Subdivision from commercial to Highway Service Zoning designation. Vote aye: unanimous

18. PLANNING & ZONING: Discuss and decide action on resolution for construction of an Event Center if funding, operations agreement, and guaranteed funding (by USDA) can be obtained.

Koan: Actually, these two are legal. Mr. Plumer you want to take these on? Plumier: We have had presentations from Atlantis regarding the potential construction by Marriott. Where the city would build an Event Center which would be operated by Atlantis. We met yesterday, but I think the Bradsky crew has been here. provided you with information on feasibility studies and options. It became apparent to me that we have got a lot of moving targets that we need to address. Things like funding, leases, USDA guarantees, promotions, operations, and I wasn't really certain how far the council wanted us to go in starting to put those pieces of the puzzle together. I don't even have a resolution for you. I'm just looking for whether or not you want me to prepare a resolution, whether or not your ready to begin moving forward, we are still I'm sure a year out before any construction would actually take place. There are just a lot of things that have to be done between now and then to be in position to do any of that. I know the council has been protective on not wanting me to move forward with issues where there's not a consensus from the council. All I am asking the council tonight is do you wish me to move forward with preparing a resolution that would keep that project moving forward, authorize the staff to deal with request for construction managers, authorize financing. The conditions of any of these projects would be essentially that the city has no risk in moving forward. Any financing is strictly to be paid by Bid #2 assessments. Atlantis will agree to lease the property once it is constructed. The city's sole obligation is ownership for the term of the bonds. The city would not incur any out of pocket expenses in all of these projects. Everything would be paid for by the special assessments from the hotels that are a part of Bid #2. I think I can take the risk out of it and give you a resolution coming forward that authorizes action to be taken. We will have one other matter that I do ask for your attention tonight and that's item number 19. I guess its kind of a speak now or forever hold your peace. If you want me to move forward with it I can, there are so many pieces of the puzzle that need to be put together to have this up and ready to finance, operate, and construct, a year from now. Just a lot of things that need to be done between now and then. Koan: We had a real good meeting with the Bradskys, Todd, Myer, Henry, Toby, of course Dick was there the other day with staff. I guess relative to Todd he's our legal council in Rapid, we are at a point where the council basically, correct me if I'm wrong Dick, has to say yeah, we are going to go ahead and build an Event Center if the funding's there. That starts the process, if the funding's not there obviously we are not going to do it. That's were we are at with moving everyone along with all the pieces and parts.

Motion by Weathers, seconded by Hollinshead to move forward with the resolution ensuring all the things we disused about to eliminate the risk and ensure there is financing. Vote aye: unanimous

19. PLANNING & ZONING: Discuss and decide action on BID #2 Event Center, amendment to BID #1 Marketing and Promotion Agreement with Box Elder Promotions.

Pluimer: I realize that this is one of the pieces of the puzzle that there is potential that we are getting a little bit ahead of the game on this one. Paul and legal counsel came and presented a proposal to amend the distribution of income that's being generated by BID #1. Which is a separate bid district. The city has a contract with Box Elder Promotions, where Box Elder receives a certain percentage 50% on some hotels 25% on other hotels. The city receives 50% from Bid #1 that the city has the ability to enter into own projects. The feasibility study that Paul and Caleb presented a couple of months ago showed that the operation of the Event Center is a lose proposition in the early years. I don't remember the numbers were somewhere in the \$175,000 to \$300,000 operating loss. What they have approached the city on is would the city be willing to agree to change the split of income from Bid #1 from a 75/25 on certain hotels to a flat 50/50 on all hotels that are part of Bid #1. In the last couple of days, we have been going back and forth. I have prepared a draft of what I hope is the final version. It simply says the city agrees to go a straight 50/50 split on revenue that generates approximately \$175,000 to Atlantis to help cover the operating loses on the Event Center. If there are any loses in excess of that, Atlantis is still on the hook for that. The discussion is that we are potentially premature on that. But, I added conditions which Atlantis and Box Elder Promotions both agreed to that say that this agreement does not go into effect until the Courtyard by Marriott has been constructed and operating, the Event Center has been completed and operating, and all the financing for the construction and building of the Event Center has been fully funded at essentially no risk to the city. The city will have an operating lease with Atlantis, that transfers all the financial obligation for the operation of the Event Center to Atlantis and that everything is actually completed and operational. Then and only then will the change in percentages go into effect. In the meantime, I think our discussion yesterday was that Courtyard, Atlantis is hoping to have that groundbreaking in May operating the following May and we will continue to collect the 75% on that property until the Event Center completed. Operational and all the other contingences have been met. From my stand point there's really no risk to the city. We need to get past the financing part of it before we can move on to anything else. I think the consensus from Todd, Myer, Henry

and Toby Morris who we brought in to help with putting the funding together believe that being able to show the USDA whose guarantee is a make or break for this Event Center. That there is some additional revenue coming in that would help them put together a better operational plan. Somewhat reduce the risks of the big deficits in the operation. We can approve it now and it doesn't go into effect unless all of the other contingencies have happened. Have I missed something? Attorney Roger: No, I don't think so Dick. I do just want to stress though the last part of what you just said. This component implementing a process where Atlantis may receive a little more money from the hotel occupancy tax that is currently being collected for the city of Box Elder helps achieve the funding for the Event Center from the stand point of selling bonds. That's a real important consideration for the city, but also obviously for Atlantis. Plumier: If we can't sell the funds and get the USDA guarantee, then the project goes by the wayside. Koan: Also, per our discussions the other day this has sunset clause in it. Its only for the term of the bond issue and then it goes back to the same percentages. Attorney Roger: Just for the benefit of the audience that may not be real familiar with the players, Box Elder Promotions L.L.C. is owned entirely by Atlantis. It is one in the same but Box Elder was set up for the purpose of creating a separate accounting system if you will for the funds that were received as part of occupancy taxes that the hotels charge right now. Plumier: Those funds are currently being used for a number of purposes not subsidizing anything at this point in time, promoting the city of Box Elder. Attorney Roger: That's what the hotels shares are currently used for as well. Weathers: If I'm not mistaken you guys do a year report to us of what you have done with that money to promote. Attorney Roger: Correct. Citizen Scott: Is there a proposed building site? Larson: The hotels over where the Residence Inn is, the other side of the track. Hollinshead: I know its highly unlikely based on the numbers were sent to us, is there going to be a stipulation of any sort in there that in the event they prove to be profitable somehow, that those funds would revert back to the city? Plumier: The lease addresses that. If there's profits Atlantis has absorbed, they are entitled to first go back and repay Atlantis for what losses they have incurred. Then going forward Atlantis is putting all the money back in the property. Hollinshead: Then the only other question or concern I would have is how does this affect any other hotel other than Courtyard being built in the TIF moving forward. Attorney Roger: That's also covered with this amendment. Hollinshead: So, those are going to be 50/50 as well? Attorney Roger: Actually, 25% until the event center is built then 50/50. Koan: The only one affected difference today is the Home 2 and the Courtyard comes on board. Hollinshead: Anything passed that, another one coming would be the same thing. Plumier: Any properties built within that district. Citizen Daryl: Does Ellsworth Air Force base have anything to do with this? Since they are one of the biggest ones that have the most money around here. They are our asset in Box Elder, will they have anything involved in this. Plumier No, essentially the reason I'm comfortable saying it's a no-lose deal for Box Elder is there are no city funds involved. It is solely funded by the hotels self-assessing themselves and paying money to the city to pay the bond issued. It is solely funded by the hotels, no city money involved at all. Attorney Roger: The Bond issued, might point out Dick will be such that it will restricted to only those funds coming from those hotels and not obligating any other city revenue. Plumier: The lease and the construction aspect of the lease will make it clear, have made it clear that the city is not obligated to spend ten cents that is not reimburse by the bonds. I would ask for your approval and authorization for the mayor to sign. Hollinshead: I would make the motion. Weathers: Are we going to see the document at all? Plumier: I apologize in advance we were working on this, I have got some extra copies here, we were working on this until about 4 o'clock this afternoon. Allen: If nobody seconded already I second. Weathers: I would like a chance to read before we vote. Weathers: Ok. Thank you. Plumier: The language we added council women Weathers begins on about the middle of the second page. We added the language if this agreement doesn't go into effect unless or until each of the following conditions have been met to a reasonable satisfaction. Weathers: I noticed that and then sunset clause as well. Thank You. Plumier: I apologize for not having better planning to get this to you earlier. Weathers: That's alright I took speed reading classes, we are all good. Larson: Anybody need more time?

Motion by Hollinshead, seconded by Allen to approve this and allow Mayor to sign. Vote aye: unanimous

20. PUBLIC WORKS: Review and take action on proposed IT Upgrades for City Hall.

Kaufman: You have got three breakdowns in your packet there. You have a rough break down. This strictly relates to the second-floor work. Within the 2018 budget we had money for wireless internet connections throughout the building, police department and city hall. Also, the audio and video recording systems for council meetings upstairs. As we have progressed with the project we have had several other items that have come up. We have heard comments from council saying yeah this is something we probably need to have up there. First item being the video conferencing system which you can see the quote there is \$24,326 that would be video conferencing in the council chambers and also in the council meeting room. That would consist of T.V. monitors and also connect ability for someone to come in with a laptop and make a simple connection and be able to make presentation on screens. Weathers: If I could ask a question on that item specifically? Will that include some sort of microphone system? I know that we can all hear each other fine right now, but whenever you have anyone with any kind of teleconference it seems to be very quiet. Kaufman: It will have a microphone system. One of the other aspects of that particular item that is going to be of value to us is a lot of the meeting that we now do at the start they are starting to televise those. Rather then traveling, we can conference those types of things right in out office here. It also gives us some opportunities to do some training programs that we travel for now, we can conference in. The second item was a recommendation that came from KT connections as we were looking at the overall computer system with in the building. We have got to servers, we have a server for police department and a server for city hall. Both of those need to be monitored on a regular basis, by having two separate locations your required to have two sets of monitoring equipment. This proposal would move both servers into what is called the stairway storage room in the hall way here. Allows to have one single location and in the long term this will be a cost saving for the city as far as

maintenance of the servers. Item number three is the phone system, we had absolutely no idea what the status of that was till KT came in and started doing some analysis on how we were going to get it up stairs. We were told that the present system is maxed out we cannot add any phones for the second floor. Its an old system and is not expandable. I'll be honest with you I don't need a phone, that's not a big deal. These are just some things we need some action from you on. Weathers: On item two I know you mentioned the word secured, but I wanted to double check we will have a key card or coded door system of some sort correct. It won't be easily assessable? Kaufman: It will be even beyond that there will probably only be two or three people in the city that will have access to that room. Koen: Gets the server in P.D. off the refrigerator to a secure place. Josh: Its on a shelf now. We took it off the refrigerator and put it on a shelf. Hegel: The first two items are what was in the budget for 2018. Lines one, two, and three are in addition to these on there. Have you put these out for bid? Kaufman: No. Hegel: According to our purchasing policy that we just passed anything over \$10,000 we have to put out to bid. Is that correct? Weathers: I don't know how that works, we have a contract with KT. Hegel: I thought in our purchasing agreement it says \$10,000 it has to go out to bid. Koan: It does, there are some exceptions there, I think relative to IT stuff. Your assumption is correct on normal projects. Kaufman: The quotes are just quotes we got from KT, that's not implying that we have to use them. It's part of their responsibility as part of their contract to provide us with this type of quotes. Weathers: They're suppose to do comparison, do the research of checking different providers. Its not just oh this is who we like to use. They are suppose to get three prices and everything as well I believe. Other than their services for the product. Hegel: So, by next council meeting we can have all that? Kaufman: We can work towards it I can't guarantee we will get quotes in, we can work toward that. Hollinshead: What are you asking for by next meeting? Hegel: Well if we can have them by next meeting if they want to move forward. Cause we are requesting another \$58,000 right. Which nothing on the sheet is under \$10,000. I'm just under the assumption that if it's over \$10,000 according to the purchasing agreement we have to bid this out. Have three complete bids on it. Plumier: There are some exceptions to the statute. I don't know if any of them would apply here or not. If you have a professional technical contract those can be handle on a contract basis. I agree with you with you, I think we position that we get quotes, unless I can find something, or Bob can find something that eliminates the need for doing that. I don't know why we would try and eliminate the need for doing that even if we arguably could. Kaufman: We are not asking for anything like that. We are just asking if you want to proceed with these type of improvements. Weathers: Proceed with these types. Hegel: We should look at the quotes then. Weathers: Do we need a motion for them to look at this? How does this work cause if you're just looking for hey is this the kind of items your looking for then does that need a motion or just a consensus? Kaufman: I guess I want, what staff is looking for is a recommendation from the council to proceed within the purchasing policy format for those three items. Weathers: So, your wanting us to authorize that expenditure pending the actual purchasing policy quotes and such. Allen: Where is the money coming from? Kaufman: Its my understanding we have that money. Morris: This is all coming from 211 isn't it? Kaufman: Yes, 211 funds. Morris: The money is there. Kaufman: There is money in that fund, there would just have to be a transfer at some point in the year. Weathers: Do an appropriation then? Morris: I think we would have to see how the second floor construction cost are coming and then view it and see if we have to do appropriation or not. Weathers: Are we coming in on budget, over budget, close to budget, we don't even know yet? Kaufman: So far everything looks good. We have had a few minor things, but nothing major. Moved some switches here and there, changed the location of a few little oddball items. Hollinshead: The bid actually came in under budget. Kaufman: Yeah. Hegel: In all reality it came in right on budget. It was \$607,000 for the building, remodeling of the upstairs. Plus, another \$100,000 for engineering. Kaufman: Yeah that is right. Hegel: So, we are at about \$705,000 and there was \$750,000 allocated. Motion by Allen, seconded Hollinshead to approve as long as it is within the purchasing policy parameters. Vote aye: unanimous

21. DEPARTMENT HEAD REPORTS:

Mayor: Larson: I had to leave my mom isn't doing real well. I did attend Black Hills Press Club there was a speaker there from the South Dakota School of Mines. The President of the university, one of his goals I found interesting. He wants to work on getting at least ten start up business out the school. That would be similar to the VRC which is moving into the old Vandenberg school. Attended a chamber mixer at the museum over here, that was very well attended. Finally got all the paperwork signed for East Mall Drive, now we can move forward. That's all I have.

Police: Josh: At the beginning of the meeting I passed out a breakdown of calls for service form the last session. Total call for service for the department 349 it was a little bit high, but we are doing some saturation patrols. Also, we have been conducting more patrols on line road due to the issues with the nails on the road. We are making some progress with that. We've got a couple solid leads on the suspect. Hopefully we can get that resolved quickly. I have spoken to several residents down there that are very appreciative. We have had 31 cases made 3 arrests. Then traffic we have written 14 citations and 69 warnings. You can see the categories on the left for a further breakdown. We have picked up the last two new Explorer for the department. We have on that is in the shop now, the second on is on the side of the building. Some of the equipment is on back order and according to the gentlemen putting that equipment in its going to be probably a significant amount of time before that comes in. They had some malfunctions with their equipment so that put them behind. One of our new employees Nick he will be starting on Monday April 9th, so he will be coming on board next week. We will be getting him through the process, hopefully that will be a quick transition before he is on the road. He has been

a police officer certified now for the past nine years I believe. We have had a couple training opportunity's. A couple of our officers attended the ALICE training with the schools. Doing scenarios working with the school board and the teachers. From what I understand it's going very smoothly, its turning out to be a really good program. We have had a couple officers go to rescue task force and stop the bleed training. More kind of a medical side for when we respond to those type of incidents. That's all I have. Hollinshead: If you could talk to chief and as we are bringing these new police officers on, I know at one point in time when I first go on council he used to bring them into council meeting for interductions, so council had time to put names to a face. Weathers: I just have a question, I'm, very happy to see that we have zero alcohol incidents for the period. Do we know what that means? It's obviously not DUI's it's a separate category. Josh: It would stand for under age consumption of alcohol, open containers, those sorts of things. Allen: Do you have any information about a virtuous dog over in thunderbird? Josh: Don't have any information on that right now. Allen: Recently, then given right back. Josh: I'm afraid I don't have information on that, I will look into it. I will either have the CSO Tanya who deals with animal control issues or I will have the chief get ahold of you. Allen: There may be a series of calls tomorrow for you Larry about that situation. We couldn't get any information tonight and they were going to call. Josh: Ok. In Thunderbird you said. Allen: The street right behind Bluebird, Cardinal. Josh: So, it was taken then given back? Allen: Given back after an attack or something. Josh: Ok. Allen: I don't have a lot of details myself so. Josh: Is there a person or a number we can reach out to? Allen: I'll get you that after the meeting.

Public Works: Kaufman: I'll just give you some brief updates of things we have got going. The Ellsworth 225th waterline, last week we had a meeting with the VRC to formalize or water connection point on their property. Yesterday we met with the potential developer that is buying the property working with them on locations we might reroute the water line through there to actually be of some benefit to them. We have got a verbal commitment on them for some cost participation for those improvements if they benefit them. We have also got a verbal commitment to participate in a section of the sewer line as well. As far as the second floor of the building is concerned work is preceding along they might be about a week behind schedule, but the foreman is actually working on ways to get them caught up. All the sheet rock is up, the main run for all the sprinkler system is up, they started doing some texturing on some of the office areas and council chambers. The Public Works building down on Cimarron, the contractor has all of the floor of the building that needs to come out demoed, they are working on the concrete wash pad outside, right now they are waiting on plumbers to finish drain lines for those items. That project is right on schedule. I have some questions concerning Wagon Wheel. We have heard nothing from the owner. I did pull record today and see that the last payment that was made was on March 19th. She paying past balance do, excuse me monthly balances, nothing has been paid on past overdue balances. She has another payment that will be due before the 15th to keep from having any administrative fees being charged there. As far as any other stipulations to the agreement the meter pits they were going to put in, extra stuff we have heard nothing from them. Weathers: What was there time limit on that? Kaufman: Forty-five days. Weathers: So, you're at? Kaufman: We are at about 15 days in. Weathers: So, about thirty days left, was there a stipulation in that agreement that they had to pay the past due as we were going through this process or was there a pause? Kaufman: That was my understanding is they had to start working on the past due amount. Plumier: I would have to take a look at that. My recollection was that the water study would be completed before that past due amount became payable. That was to be paid in six instalments. Kaufman: Lets see what else we got, crews been working on some improvements at the ball field. For example, they are replacing one of the doors on the concession stand. We have had a group from the base group fifty-six who wants a community service project. We have offered up a rural proposal to them, which they jump right on taking over the little flower garden and the flag maintenance in veteran's park. So, they will be responsible for the maintenance of the flower garden. I gave them a budget of how much money we would contribute toward the plantings, so they can go buy plants and keep it weeded. They are responsible for making sure the flag is at right height, if it's supposed to be down they will move it down, they will over see it as far as condition of the flag if its worn or tattered. That's all I have any questions: Weathers: That's great to hear.

Finance/Legal: Morris: We had a pretty productive finance meeting I thought on Monday. A lot of discussion happened. We are working forward on some document retention software. We are trying to get as much information as we can before we bring some number in with that. Its exciting to see some of the things come through and hopefully make or lives better with it. The audit will not be able to be presented in April as anticipated. The auditor isn't able to make it to the next council meeting. She is scheduled to come to the May 1st meeting. Otherwise I don't have anything else. Alcanter: So, I have been doing a little research on agendas in the regional area. Those that will cooperate and take my calls. Rapid City and Spearfish were the two that would answer the phone. They both have an ADA compliance statement I provided a copy for you guys to read. I spoke with Dick on this a little bit, he said to put it on there to discuss if that's something you guys would like added on there. I did put some quotes of wheel chairs and auditory equipment for the ADA. When I called around they said nobody has ever called to use one. They may have pushed somebody in a wheelchair once in. I also noticed that a lot of the municipality's either a time slot for public comment at the beginning of their meetings or I did put an example of the Spearfish disclosure at the top. You notice the disclosure at the top of our agenda is pretty close, it just has a little bit different wording. Weathers: On the ADA compliance is there a part of the ADA compliance that would require us to have a wheelchair? Alcanter: Both of them had a wheelchair, they bought them they purchased them. Weathers: Is that a legal requirement? Alcanter: I don't know as far as legal goes. Plumier: I would think so, its not an issue that has come up since I have been here. I mean every public building has obligations. When you do renovations if it wasn't, we were operating in areas that were not required to be ADA compliant that before the renovations, they would

be required to be ADA compliant. I don't know if I have an opinion on actually buying wheelchairs other than making sure the space is accessible for someone in a wheelchair. Michael had sent me a couple of items I looked them over. They are consistent with what I have seen in the agendas when I did the work for the city of Spearfish for a number of years. I appreciate him being proactive, I think both of those are items that should show up as a standard part of your agenda, particularly the ADA part of it. How you structure citizen input I think is a council decision. Do it at the beginning, the end, you normally allow those comments anyways. I think it's a good move he has done some good work so. Kaufman: Just some comments on the ADA we wouldn't necessarily have a wheelchair, but we have to make reasonable accommodations. If someone would give us proper notification they were going to be here for the meeting, they were going to need a wheelchair, we could go to a medical supply store and rent one for a day. It would be the same thing if someone were to call and say they need a special hearing device, we would have to make those accommodations. Weathers: So, if it was a ASL need we would have to provide someone certified in ASL. All of that makes sense I was just never seen a request for a wheelchair before and it through me off. Kaufman: I have never been at a council meeting that's had a request for any special accommodations. But by the ADA we are required to be able to provide those accommodations if requested. Weathers: So, maybe it's a matter of if we have a request we buy it then? Alcanter: No, I just want to make sure its ok to put these things on the agenda. Kaufman: I would highly recommend renting it, rather than have something sitting in a closet here. Hollinshead: I'm sure a far as that goes you could find a donation. They are readily available. You could find someone to donate one, not that it is a huge expense. Weathers: I could see having to store it, if it sits for three years the wheels may not want to turn very well. On the public comment portion, it looks like the main difference on what we currently have, and the Spearfish example is the statement to be reviewed by administration. Our current version, and I think our current policy is if an agenda request form is filled out the item goes on the agenda. Alcanter: It at the top there to. Weathers: I'm not sure our policy allows city administrator to review those for appropriateness or not. That's the only difference I see there. I don't necessarily have a problem with that, cause any of our citizens can come to us with an item to go on the agenda. Hollinshead: This one doesn't even reference city administrator it, it just says administration it could be anybody within administration I suppose. Weathers: Absolutely I just wanted to point out that difference. I defiantly think we need an ADA statement, if nothing else so they know they can call 24 hours ahead of time.

Planning & Zoning: Koan: Nick Dierks our GIS person started this week. We put him to work in Pennington County and Meade County seeing how their operation work. Obviously, today he is up in Meade County, they work a whole lot different than Pennington County has. His computer will be here next Tuesday we will get him rolling next week. Also, to date we have issues twenty permits, twenty homes and two two-plexes which fills out Creekside Subdivision. There are no lost left up there other than single one Mr. Skyburg himself owns. Working with a developer showing some interest maybe some affordable housing or doing a plan unit development setting with maybe some smaller lots. Relative to VRC they are on hold for a while, they ran into a whole bunch more asbestos then they thought was in the building. They have cleared that up and as of last meeting they are moving forward again. Anticipate being in the building by the end of the year. They still have to go through quite a bit of construction. Kim Morry said they had about fifty-seven employees and they anticipate by the time they get moved they will have seventy-five to a hundred. Their production is less then what their demand is at this time. That is good for them, good for us. That's all I had.

City Attorney: I don't have anything unless council has any questions for me.

22. COUNCIL REPORTS:

Allen: I had a local contractor get ahold of me last week and wants to review the pole barn ordinance building code which we don't regulate, building code doesn't regulate. He has found some problems that affects his business. Would like to bring the contractor in to ordnance and review that if everybody's ok with that. Maybe change something, maybe change nothing. At least address his concerns with it. Weathers: My one question on that is do we have other items in the que. Allen: It wouldn't take priority it would be on the list of things we have already got. Weathers: I have no issue ever review things to make sure we up to date with what current community needs are. Cowley: I have no problem. Hegel: I have no problem with it, the pole barns are a certain size? Koan: The building code itself doesn't address pole barns. Cause they are such a special item, we so allow 42 x 30 that's the standard nation wide they have done. Anything over that we do require engineering. All pole barns use engineered trust but the rest of It is a question. Allen: Just making sure we have an ok to put it on the ordinance committee.

Cowley: Noting Sir.

Hegel: Trish I don't know if you did this? Weathers: No, the lovely finance staff said I will take care that report for you and developed it for us. Hegel: The cool thing about this is income and expense for Box Elder Bash that I requested. We allocated I think \$25,000 for 2017, it totaled about \$19,400 is what the spent on it., good something that came in under budget. Weathers: If I can comment on that, we keep the budget high because we expend before we bring in that way we are not exceeding budget before the money comes in. Hegel: I understand, I know that we raised that this year. I know

there are a few things we have already approved for that. I appreciate that, thank you.

Hollinshead: Nothing.

Weathers: Continuing on that bash topic we are well under way with Box Elder Bash planning. We have a new event this year a power wheels derby that we are working on, so the kids can smash and bash into each other. That should be a lot of fun. There are some changes to the schedule. We had one small fire with the bleacher rental. That concern you had councilmen Hollinshead, their finance office did try to interpret it that we should pay the fee for everyday instead of the one. However, after speaking to Trever in risk management there they did go back to their contract and agree. However, the mayor did work on a contingency and I greatly appreciate him working on that contingency for us. Everything is pretty much on schedule. Everything is pretty much prearranged as far as our normal rentals. We are going to hire temporary staff this year. We have a real problem getting volunteers to show up, then I have four or five volunteers working twelve hours in the heat for free. A lot of teenage volunteers that aren't paying attention to safety regulations as well as some people who just show up and realize we are short we feel bad we'll help. So, we are going to take care of that issue and hire a temp staff so that we know that things that are being monitored for safety are being taken care of properly. They are going to work in shifts with a lunch break. That will be new for this year. Other than that we are pretty much on target. I did have one question during our board of adjustments we discussed getting a letter together to Pennington County, about getting those assessments done on time instead of twenty years apart. Did we work on that at all? Alcanter: I haven't done it yet, I just got something back from them on what recommendation they didn't agree with. I still have to call her on that, but I can get that out. Weathers: I believe that we had a consensus to come up with something for us to look at to send to the county. For those of you whose taxes didn't have big jumps we had a couple that were 600% because they had not done an appraisal in twenty years. So, we would like to see them get those done on a regular basis instead of hitting the citizens with a 600% increase. Hollinshead: When you say we're going to hire temporary staff is that the city or is that actually committee? Weathers: We will go through a temp agency. The committee made the decision to expend that. Hollinshead: So, they are not going to be employees of the city? Weathers: No, they will not be employees of the city, they will be employees of the temp agency.

23. OTHER REPORTS:

Economic Development: Absent

24. CITIZEN INPUT:

Citizen Craig: I got something, we are in Box Elder over in Northern Lights, but we still fall under Rapid City School District. Is there any plan of re-zoning those school districts to get us in Box Elder school district? Larson: We really don't have any say in that it's the school districts and Rapid City would have to agree to give you up, which they wouldn't. Douglas would have to agree to take you which they wouldn't, because they are overcrowded right now. You can certainly go to Rapid City schools and ask them if you could change the boundaries essentially and Douglas would have to accept the change in boundary. Citizen Dan: I would like to thank public works for the great snow removal they have done in Bluebird Drive. With that said I wonder if we could get our signs back up that say no parking in the street. We used to have those for years and all of a sudden, they disappeared. They are parking in the street, they don't care. The busses can't get down through there, the ambulance, the fire department, and just everyday citizens. I wonder if we can get them back up and get the people off the streets. There's only about fifteen that do this, but we need signs up. I went down to talk to them and they said I don't give a damn. Hollinshead: Josh isn't that enforceable without signs? Josh: If it falls under the ordinance, I would have to read the parking ordinance. I don't unfortunately have that memorized so I would have to look at it to tell you yes or no. If there is not a sign but it is under ordinance, yes, it is enforceable. I will look into that and if that is something we can address I'll send out the CSO and my officers. Citizen Don: Prairie Road we have got a lot of the big dump trucks going through there are they supposed to be using that road? Kaufman: If they are making deliveries to the dump they have to go around, but if they are making deliveries in town to construction sites then I can't keep them off the street. Citizen Don: These have the big double trailers. I have watch a number of them go through the last couple of days, where my window sits and where that road sits I can see it. Larson: Is there a name by chance on the side of the truck? Citizen Don: I'm not sitting there with binoculars. Larson: Just curious, if there was maybe that would help us. Citizen Theresa: On that note Josh, my understanding is when they put stealth bridge in and they put the sidewalks in that's when they put the signs on Stealth Ridge side and the Thunderbird side. We haven't had signs on our street in over twenty years. They have said that they can stop anybody from parking on the street, unless they are parking side by side and blocking is what we were told before. Hollinshead: So, I know this has been addressed in Creekside because we don't have signs in Creekside, but it is still enforceable. Josh: Again, whether the signs are up on one side of that subdivision and not on another, if the ordinance addresses parking on the street then it is applicable across city. Citizen Theresa: My understanding is that when they built stump ridge, Thunderbird subdivision was grandfathered under it so they could park in the street, because the street is wide enough. Where the streets in the other subdivision are more narrow. Josh: I believe that the new ordinance that was put through, a year or so now I guess would supercede any of that. Unless, that ordinance specifically states in it that your section of that subdivision excluded or grandfathered under old statute, it would fall under the new ordinance and be enforceable like anywhere else. Weathers: If I am recalling correctly I think the main issue of that maybe that it is no parking on the street for twenty-four hours or more than twenty-

four hours. So, if they move the car every day technically they are not parking for twenty-four hours. Josh: They definitely game the system a little bit. They will run out and move it five feet forward. Its just a game we have to play. I will look into it. Citizen Theresa: There was an issue about it, people were saying you can't ticket me. The officer goes actually I can here. He goes well you got to ticket them over there, he goes nope I can't ticket them over there. Larson: We will look into that and see. Any other input from citizens. Citizen Dustin: Where is the master plan for Northern Lights Subdivision? Koan: We can get it to you, its not public. Citizen Dustin: I would just like to know what the city took on agreed to. Koan: It was ten years ago. Citizen Dustin: The park over there is covered in weeds, the boulevard area is covered in weeds. My wife and I specifically bought our house out there, because of the style of house you can't find it anywhere else in Rapid City, unless you go to the Boulevard area. I just would like to know what the city has agreed to do. I know obviously that is a park and it needs to be taken care of. I would just like to see that master plan if I could. Citizen Lee: I also would like a copy of that master plan, it was never made available to us. We only bought our home over there a little less then a year ago. Koan: You would be surprised there is like 300 plus homes and apartments, at the end here ill get your emails. Citizen Craig: I would like also the plans as well.

25. EXECUTIVE SESSION: Pursuant to SDCL 1-25-2 (1) for personnel, session started at 8:41 pm; Out of Executive Session at 9:55 pm.

Motion by Hollinshead, seconded Weathers to go into executive session. Vote aye: unanimous

26. ADJOURNMENT: 9:57 pm.

Motion by Hollinshead, seconded Weathers to adjourn. Vote aye: unanimous

Seal:

Attest:

Larry Larson
Mayor

Nicole Schneider
City Administrator/Finance Officer