

Mire reconvened this Regular Board meeting at 7:00p.m.

For the first matter at hand all newly elected officials, Mire, Fowler, Rankin and Schnieder took their oath of offices. Mire was sworn in by Clerk Housenga.

Roll Call:

Physically Present – Rankin, Fowler, Robertson, Fiems, Schnieder

Absent – None.

Others Physically Present – Public Works Director Bump, Clerk Housenga, Treasurer Barber, Attorney Nick Mason, Captain Ron Erickson Officer, Julie Doty, Caroline Bryne, Jeff McFarland, Julie Wildermuth, Mark Churchill, William & Donna Sainer, Kathy Sattizahn, Gary Bohms, Corey & Debra Fulton, Andrew Maathas Jr, Brian Boelk, Greg Mosely, Steve Ebel, Jan Spier, Chris Tinsman, Claire Bird, Patty Tillman, Scott Tinsman, Beth Tinsman, Steve Bird, Jan Dowsett, **Virtually Present** – Mary Beth & Arthur Eggers, Scott Reed and Sarah Ford

A quorum was physically established.

PRESIDENT – Mire: Mire introduced and appointed Katie Enloe to the Trustee position previously held by Clark to fulfill the remainder of the term. Mire gave a brief speech in appreciation of resident participation in voting and support. Mire also praised the Board of Trustees and employees for their dedicated support and being fiscally responsible spending. Fiems agreed with all comments Mire stated and acknowledged the employees of the village as they are very dedicated to doing their best for this village. Mire then appointed heads of each committee sector. Fiems motioned reappointed Clerk Housenga, Treasurer Barber, Water Superintendent/Public Works Director Bump, Assistant Public Works Director Misfeldt, Building Inspector Dunbar, Plumbing Inspector Simmons, Planning & Zoning Commission Members Murphy, McCoy, Wildermuth, Reed and McLaughlin. Ranking seconded the motion, all present voted yes, motion carries. Mire also named Trustee Rankin as Mayor Pro Tem.

PERSONS TO ADDRESS THE BOARD: Brian Boelk of Axiom introduced himself and his engineering company to the board. Boelk reviewed his company's qualifications and also expressed interest in helping the village with future engineering projects.

POLICE REPORT: Nothing additional to report at this time.

ATTORNEY – N. Mason: Nothing additional to report at this time.

FIRE REPORT – Chief Carey: Nothing additional to report at this time.

DIRECTOR OF PUBLIC WORKS REPORT: Nothing additional to report at this time.

INFRASTRUCTURE – Rankin: A bid was received from Taylor Ridge Paving for the resurface the Village Hall parking lot in the amount of \$54,250.00. Three firms were called to give bids but only one vendor responded to the request. Rankin motioned to approve Taylor Ridge Paving to complete the resurfacing of the parking lot and stripe the lot for \$54,250.00. Robertson seconded the motion, all members voted yes, motion carries.

A bid to replace curb and gutter at 901 18th Street was presented from Terry Haskins in the amount of \$1,700.00. Repairs are needed to aid with proper drainage. Rankin motioned to approve the bid of \$1,700.00 to repair curb and gutter by Terry Haskins. Fowler seconded the motion, all members voted yes except Schnieder, motion carries.

9th Street and 9th Avenue is need of mud jacking to prevent a hazardous situation. Top Notch Mudjacking provided a bid of \$1,819.60 with the caveat that additional charges may be incurred if more material is needed to properly complete the job. Additional bids/quotes were requested with not results. Rankin motioned to approve Top Notch Mudjacking to complete repairs on the 9th Avenue and 9th Street not to exceed \$3,000.00. Fiems seconded, all members voted yes, motion carries.

PERSONNEL & FINANCE – Schneider: Nothing to report at this time.

PARKS, RECREATION & CEMETERY – Robertson: Tree removal bid from Coor's Custom Hardwoods was presented for the removal of a tree located on Village Hall property in the amount of \$4,000.00. Bump would like to see the tree removed prior to asphalt replacement to avoid damage. Rankin motioned to authorize Coor's Custom Hardwoods to remove the tree on village property located at 1204 4th Avenue or any other firm not to exceed \$4,000.00. Schnieder seconded the motion, all members voted yes, motion carries.

PARKS, RECREATION & CEMETERY – Robertson - continued: Robertson explained a renewal of the Army Corps of Engineers lease for a portion of Schuler's Shady Grove is needed, thus Bump and Housenga met with a Corps Representative to walk through the property and verify upkeep and improvements. Bump and Housenga were told the signage the Village authorized and added explaining the split into the path was supposed to be authorized prior to placement. Also required for lease renewal is a resolution naming authorized representatives for the agreement. Fiems motioned to approve presented Resolution # 05-2021A authorizing Mire, Rankin and Housenga as authorized persons for the purpose of renewing the lease agreement with the Army Corps of Engineers property located within Schuler's Shady Grove. Fowler seconded, all members voted yes, motion carries.

COMMUNITY RELATIONS, EVENT PLANNING & PUBLIC SAFETY – Fowler: Fowler reminded everyone of the Appreciation Luncheon coming up on May 23rd, 2021 from 11am to 2pm.

ORDINANCE & LICENSES –Fiems: Nothing to report at this time.

ELECTIONS – Mire: Nothing additional to report at this time.

BUILDING, ZONING & PLANNING – Enloe: Prior to any discussions in this section this meeting Mire laid out his expectations, stipulating requestors would be limited to 7 minutes of presenting time, all others would be given a time limit of 4 minutes, no rebuttals time will be offered.

Gary Bohms has requested to get a setback variance at 6 Deer Trail Court for the construction of a detached garage. Planning and Zoning Commission recommended approval of this variance request. Rankin motioned to approve the setback variance for Gary Bohms at 6 Deer Trail Court. Enloe seconded the motion, all members voted yes, motion carries.

Kathy Sattizahn has requested a rezoning of 1814 1st Avenue from Residential District – 1 to Residential District – 2 for the purpose of establishing her home as a short-term vacation rental property. Planning and Zoning Commission recommended not approving this request. Mire made note of a caveat in the Village Code of Ordinances that states "In cases of a written protest against a proposed change in the boundaries of a district signed and acknowledged by the owners of twenty percent (20%) or more of the frontage proposed to be altered or of the frontage immediately adjoining or across an alley or street therefrom or directly opposite the frontage proposed to be altered is filed with the Planning and Zoning Commission, such amendment shall not be passed or become effective except by the favorable vote of two-thirds (2/3) of all the members of the Village Board after hearing and within forty-five (45) days the Planning and Zoning Commission shall make known to the Village Board the results of the hearing and the recommendations of the Planning and Zoning Commission."

Mire gave Sattizahn the opportunity to address the board. Sattizahn started by thanking the board for the invite to the Veteran's Appreciation Luncheon on the 23rd. Sattizahn states she feels she was not given the opportunity to address the concerns of her neighbors at the initial hearing as she was not aware of the concerns. Sattizahn now feels she can address and ease the worries. Sattizahn also provided video of her neighbor's dogs barking and music from The Edge, reinforcing the neighborhood is not as quiet as previously expressed by neighbors. Sattizahn would like to be welcoming to all visitors of Rapids City. Sattizahn states she has a right to entertain and house anyone she would like in her home. The only thing prohibiting Sattizahn from making rental income is the zoning of her property. Sattizahn states she and her property could be great for tax revenues for the Village.

Mire then opened the floor to any of the public that had comments concerning this request.

Beth Tinsman spoke on her opposition of the plans for Sattizahn's property.

Attorney Mark Churchill spoke on behalf of his clients, noting the current Village Comprehensive Plan for land use and development. Planning and Zoning Commission has done their job as prescribed, feels Churchill. Churchill states if the request would be approved it would be unlawful spot zoning.

Corey Fulton verbally expressed his opposition to the request.

Jim Dowsett stated his opposition.

Bill Sainer reinforced his opposition to Sattizahn's request.

Jan Spier spoke of her support of the plans Sattizahn has for her home and the tax benefits the Village would receive.

After Board revisiting how previous cases for rezoning were handled in means of safety of all residents. Schnieder noted he was in favor of the plans. If a violation is proven as laid out in the Village Code of Ordinance enforcement measures are also laid out as well to prohibit the action(s). In the end Rankin motioned to deny the request to rezone the property located at

1814 1st Avenue. Fiems seconded the motion, all members voted yes except for Schnieder, motion passes.

OLD BUSINESS: None.

NEW BUSINESS: None.

With no additional business to discuss Rankin motioned to adjourn this May 11th, 2021 Regular Board Meeting at 8:22pm, Fiems seconded. With consensus of the Board this meeting is hereby adjourned.

Missy M. Housenga
Village Clerk