

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

June 3, 2019

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, June 3, 2019, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Jason Salamun, Lisa Modick, Ritchie Nordstrom, Darla Drew, Amanda Scott, Steve Laurenti, Laura Armstrong, and Chad Lewis; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Becky Drury and John Roberts.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Fire Chief Rod Seals, Public Works Director Dale Tech, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, Solid Waste Superintendent Steve Pauli, Lieutenant Cathy Bock, and Administrative Secretary Angie Boeve

**ADOPTION OF AGENDA**

Motion was made by Laurenti, second by Armstrong to adopt the agenda.

**AWARDS AND RECOGNITIONS**

Mayor Allender and Chief Jegeris presented a Certificate of Recognition to Pamela Cowling, 30 years of service and retirement. They acknowledged her dedicated service to the Rapid City community

Mayor Allender and Chief Seals presented a Certificate of Recognition to Seth Percella, Tim Weaver, Kelly Gunderson for 20 years of service and Paul Johnson for over 30 years of service and retirement. They acknowledged their dedicated service to the Rapid City community

**GENERAL PUBLIC COMMENT**

Chuck Henrie voiced concerns about ADA Voting requirements.

Ted Wolk, Ramona Herrington, James Biolota and Karissa Loewen voiced concerns about storm water and sewer damages to homes.

Bill Evans, Thomas Helmer, Eirik Heikes, Shawn Krull, Pat Roseland voiced concerns about the change to alley trash pickup. Steve Pauli explained some of the reasons for the changes and Darla Drew stated this item will be added to the June 11, 2019 Public Works meeting.

**NON-PUBLIC HEARING ITEMS** Items 2 - 48

Chuck Henrie addressed the council in support of (LF052919-08).

**CONSENT ITEMS** – Items 2 – 38

Motion was made by Lewis, second by Modrick and carried to adopt the agenda.

***Approve Minutes***

2. Approve Minutes for the May 20, 2019 Regular Council meeting.

***Alcoholic Beverage License Applications Set for Hearing (June 17, 2019)***

3. Melissa Boehrns-Bonham DBA Axe It Out LLC, 811 Disk Drive, Suite 6, for a Retail (on-off sale) Wine and Cider license and a Retail (on-off sale) Malt Beverage & SD Farm Wine license

4. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Special Event Malt Beverage and On-Sale Wine license for an event scheduled for October 8, 2019 at Phase Technologies, 231 East Main Street North
5. Piesano's Pacchia Inc. DBA Piesano's Pacchia, Stacey Livermont – owner, 3618 Canyon Lake Drive #121 for a Retail (on-off sale) Malt Beverage & SD Farm Wine TRANSFER from Piesano's Pacchia, Peggy Livermont, 3618 Canyon Lake Drive #121
6. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Special Event Malt Beverage and On-Sale Wine license for an event scheduled for July 9, 2019 at McKie Ford Lincoln, 2010 E Mall Drive
7. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Special Event Malt Beverage and On-Sale Wine license for an event scheduled for July 18, 2019 at Black Hills Federal Credit Union, 200 Main Street
8. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Special Event Malt Beverage and On-Sale Wine license for an event scheduled for September 10, 2019 at Black Hills Federal Credit Union, 2700 N. Plaza Drive

**Public Works Committee Consent Items**

9. PW052819-01: Approve Change Order #1 F to Flat Rock, LLC for Lacroix Links Drain Pan Replacement Project, Project# 18-2461/CIP 51206 for a decrease of \$882.00.
10. PW052819-02: Request Authorization for Staff to Seek Proposals for Engineering Services for Flormann Street Water Main Replacement Project, Mt Rushmore Road to Apollo Circle, Project No. 19-2512/CIP 51235.
11. PW052819-03: Request Authorization to Seek Proposals for Professional Services for Robbinsdale Phase 6 Design, Project No. 19-2515 / CIP No. 51232.
12. PW052819-04: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid and Skyline Engineering, LLC for Design and Bidding for Downtown Lighting, Project No. 19-2500/CIP No. 51228, in the amount of \$157,862.00
13. PW052819-05: Authorize Mayor and Finance Officer to sign State of South Dakota Joint Powers Financial and Maintenance Agreement among Department of Transportation, City of Rapid City, Pennington County and Meade County.
14. PW052819-06: Authorize staff to advertise for W Main and Jackson Blvd Panel Repair Project, Project No. 19-2513 / CIP 50445 for \$215,000.
15. PW052819-09: Approve Request from Brandon George for a Variance to Waive the Requirement to Install Sidewalk along Emerson Lane, Rapid City, per City Ordinance 12.08.060.
16. PW052819-07: Authorize staff to Advertise for Bids to Purchase new Residential 65 and 95 gallon Garbage and Recycle containers for curbside collection. Estimated cost of \$150,000.00
17. PW052819-08: Authorize Amendment to allow removal of the requirement that the Contractor perform a minimum of 50% of the work for the Rapid City Water Reclamation Facility Digester Motor Control Center (MCC) and UV/Administration Transfer Switch Replacement, Project No. 19-2485 / CIP No. 51216.

**Legal & Finance Committee Consent Items**

18. LF052919-06 – Authorize Staff to Purchase Dodge Caravan for \$23,361.00 at State Bid Price to Replace Aging Vehicle in the Police Department Fleet
19. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Grayson Tech (Parks and Recreation), Mark Rafferty (Parks and Recreation), Ron Yahne (Parks and Recreation), Victoria Hagg (Parks and Recreation), Hawky Cummings (Parks and Recreation), Mike Madsen (Parks and Recreation), Karise Madsen (Parks and Recreation), Code Hart (Parks and Recreation), Brandon Inman (Parks and Recreation), Nicholas Hernandez (Parks and Recreation), Jacob Padoll (Parks and Recreation), Jon Machacek (Parks and Recreation), Caden Mollman (Parks and Recreation), Mitchell Vance (Parks and Recreation), Beth Vance (Parks and Recreation)
20. LF052919-02 – Acknowledge April 2019 General Fund Cash Balance Report

- 21. LF052919-03 – Approve Resolution No. 2019-040 a Resolution Removing the Rapid City Special Assessment on Lot B, Block 75, North Rapid Addition #2

RESOLUTION No. 2019-040  
 A RESOLUTION REMOVING THE RAPID CITY SPECIAL ASSESSMENT ON LOT B, BLOCK 75 OF  
 NORTH RAPID ADDITION #2

WHEREAS, the City of Rapid City had previously approved a special assessment for the property on VanBuren Street with the tax identification number of 27380 (the “Property”) and legally described as: “Lot B, Block 75 of North Rapid Addition #2”; and

WHEREAS, this special assessment was approved on the 6th day of August, 2018, by a resolution entitled “Resolution 2018-055 A Resolution Levying Reassessment for Abatement of Nuisance”;

WHEREAS, a \$302.00 special assessment was assessed against the Property, which over time accrued interest and fees, making the total outstanding balance approximately \$339.15 to-date; and

WHEREAS, the City of Rapid City misapplied a payment intended for this specific special assessment; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Rapid City, South Dakota that any special assessment approved by the City of Rapid City is removed from the Property,

BE IT FURTHER RESOLVED, by the City of Rapid City that any lien against the Property, created as a result of the special assessment, is satisfied and extinguished.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

- 22. LF052919-04 – Approve Resolution No. 2019-042 A Resolution Correcting an Error in Resolution No. 2019-034 a Resolution Levying Assessments for Abatement of Nuisances

RESOLUTION NO. 2019-042  
 A RESOLUTION CORRECTING AN ERROR IN RESOLUTION 2019-034 RESOLUTION LEVYING  
 ASSESSMENTS FOR ABATEMENT OF NUISANCES

WHEREAS, on May 20, 2019, the Common Council adopted Resolution No. 2019-034 Resolution Levying Assessments for Abatement of Nuisances; and

WHEREAS, the Resolution levied assessments against several parcels for the City’s costs to abate nuisances on the properties; and

WHEREAS, the Resolution erroneously listed \$374.00 the amount of the assessment for the property at 625 St. Charles Street, legally described as Lot 13-14 of Block 27 Flormann Addition; and

WHEREAS, the correct assessment amount for the nuisance abatement at 625 St. Charles Street is \$187.00; and

WHEREAS, the City wishes to correct the error and impose the correct assessment on the property at 625 St. Charles Street.

NOW, THEREFORE, BE IT RESOLVED by the Common Council that an assessment of \$187.00 is hereby imposed upon the property at 625 St. Charles Street, legally described as Lot 13-14 of Block 27 of Flormann Addition.

BE IT FURTHER RESOLVED that the assessment imposed by Resolution No. 2019-034 on the property at 625 St. Charles Street is hereby revoked and cancelled.

BE IT FURTHER RESOLVED that such assessment, unless paid within thirty days after the execution of this Resolution, shall be certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer’s Office with the statutory interest rate.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

23. LF052919-07 – Approve Resolution No. 2019-043 a Resolution Declaring Miscellaneous Personal Property Surplus to be traded  
Resolution # 2019-043  
**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 release to insurance company due to total loss:

- From: Police 201**  
For Deletion (Trade):  
2000 Dodge Caravan, Green – Unit A040  
VIN# 2B4GP25GXYR792460  
  
2007 Ford Explorer, Silver – Unit A105  
VIN# 1FMEU73E87UB39981

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 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption

Finance Officer

- 24. LF052919-09 – Authorize the Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Senior Citizens Incorporated d/b/a Canyon Lake Activities Center for the Use of City Vision Funds to Construct Pickleball Courts at its Facility on Canyon Lake Drive
- 25. 19RD002 – Approve Resolution No. 2019-041 a Resolution Requesting a Road Name Change from Coal Bank Court to Coal Bank Drive

**RESOLUTION 2019-041**

**RESOLUTION RENAMING COAL BANK COURT TO COAL BANK DRIVE**

BE IT RESOLVED, by the City of Rapid City that that portion of Coal Bank Court right-of-way lying adjacent to Lot 3 and Lot 4, Block 4, Auburn Hills Subdivision, and Lot 21 Block 4, Auburn Hills Subdivision, all located in Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Coal Bank Drive.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

- 26. 19TI001 – Approve Resolution No. 2019-038 a Request by Sperlich Consulting, Inc. for Doeck, LLC to Consider an Application for a Resolution to Approve TID #67 Project Plan Amendment #1 to Reallocate Project Plan Costs for Property Generally Described as Being Located East and West of Haines Avenue and North and South of Country Road

Resolution 2019-038

**RESOLUTION APPROVING AMENDMENT #1 PROJECT PLAN FOR BROOKFIELD TAX INCREMENT DISTRICT NUMBER SIXTY-SEVEN AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION**

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, the Brookfield Street Tax Increment District Number Sixty-Seven was approved on April 7, 2008; the legal description was corrected on January 24, 2009 and creation of the district became effective on February 13, 2009; and

WHEREAS this Amendment #1 Project Plan will replace the Project Plan approved by the City Council on April 7, 2008; and

WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the use of Tax Increment Funding to promote this development is in keeping with the statutes adopted by the South Dakota State Legislature; and

WHEREAS, the 2009 base valuation of the District as determined by the South Dakota Department of Revenue was \$21,351,400 and the 2018 year-end valuation of the District was \$46,795,247, evidence that the District has stimulated the general economic welfare and prosperity of the state through the promotion and advancement of industrial or commercial development as required in South Dakota Codified Law 11-9-8; and

WHEREAS, Amendment #1 Project Plan reallocates project costs to accurately reflect expenditures for the water line oversizing along Cobalt between W Nike Road and the western most terminus of Cobalt; and

WHEREAS, the Council considered Amendment #1 submitted by the Planning Commission and determined that the Amendment #1 Project Plan for Brookfield Tax Increment District Number Sixty-Seven is economically feasible; and

WHEREAS, the Council further determined that the Amendment #1 Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Amendment #1 Project Plan for Brookfield Tax Increment District Number Sixty-Seven be and hereby is approved as attached and submitted by the Rapid City Planning Commission.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

- 27. LF052919-08 – Approve Resolution No. 2019-044 a Resolution Authorizing the City to Purchase Certain Real Property and Upon Completion of the Property Acquisition Execute a Lease with OneHeart to Operate a Transformation Campus with Transitional Housing and Other Support Services on the Property.

Resolution 2019-044

A RESOLUTION AUTHORIZING THE CITY TO PURCHASE CERTAIN REAL PROPERTY AND UPON COMPLETION OF THE PROPERTY ACQUISITION EXECUTE A LEASE WITH ONEHEART TO OPERATE A TRANSFORMATION CAMPUS WITH TRANSITIONAL HOUSING AND OTHER SUPPORT SERVICES ON THE PROPERTY.

WHEREAS, the City solicited proposals for projects to be financed through the City’s Vision Account; and

WHEREAS, OneHeart submitted a request for the City to purchase a portion of the old National American University campus to use as a transformational center with transitional housing; and

WHEREAS, the OneHeart Project was reviewed by the City's Vision Committee and recommended to receive funding; and

WHEREAS, the City Council considered the recommendations of the Vision Committee at a special meeting on January 31, 2019, and awarded \$3,939,321 in Vision funds for the OneHeart project; and

WHEREAS, at its regular meeting on March 18, 2019, the City Council revised the award for the OneHeart project by approving the payment of \$3,857,628 in 2019 and \$1,142,372 in 2020; and

WHEREAS, the value of the land and structures on the land being purchased by the City exceeds the City's \$5,000,000 investment in Vision funds; and

WHEREAS, the City recognizes the need for this facility and the benefit it will provide to the entire community; and

WHEREAS, upon purchase of the property the City will need to execute a lease with OneHeart so it can manage the facility and invest money in renovating the existing structures.

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Rapid City that the Mayor and City staff are hereby authorized to execute any documents necessary to effectuate the purchase and make payment in the amount of \$3,857,628 in 2019 and \$1,142,372 in 2020 for the following real property:

LOTS SEVEN (7) THROUGH SIXTEEN (16) IN BLOCK ONE HUNDRED NINE (109) OF THE ORIGINAL TOWNSITE OF RAPID CITY, TOGETHER WITH THE EAST ONE-HALF OF VACATED SECOND STREET BETWEEN LOT 1 IN SAID BLOCK 108 AND LOT 16 IN SAID BLOCK 109, PURSUANT TO RESOLUTION OF VACATION RECORDED AUGUST 30, 1983, IN BOOK 20 OF MISC. RECORDS ON PAGE(S) 7283 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA

LOTS 1 THROUGH 22 AND LOTS 26 THROUGH 32 IN BLOCK 108 OF THE ORIGINAL TOWNSITE OF RAPID CITY;

TOGETHER WITH THE WEST ONE-HALF OF VACATED SECOND STREET BETWEEN LOT 1 IN SAID BLOCK 108 AND LOT 16 IN SAID BLOCK 109 AND THE EAST ONE-HALF OF VACATED THIRD STREET BETWEEN LOT 1 IN SAID BLOCK 107 AND LOT 16 IN SAID BLOCK 108, PENNINGTON COUNTY, SOUTH DAKOTA.

LOT TWENTY-FIVE (25) AND THE EAST HALF (E1/2) OF LOT TWENTY-FOUR (24) IN BLOCK ONE HUNDRED EIGHT (108) OF THE ORIGINAL TOWNSITE TO RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA.

LOT TWENTY-THREE (23) AND THE WEST HALF (W1/2) OF LOT TWENTY-FOUR (24) IN BLOCK ONE-HUNDRED EIGHT (108) OF THE ORIGINAL TOWNSITE TO RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA

THE NORTH FORTY-SIX AND TWO-THIRDS FEET (N46 2/3') OF LOTS SEVENTEEN (17), EIGHTEEN (18), NINETEEN (19) AND TWENTY (20) OF BLOCK ONE HUNDRED AND NINE (109) OF THE ORIGINAL TOWNSITE OF RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA.

LOTS TWENTY-ONE (21) AND TWENTY-TWO (22) IN BLOCK ONE HUNDRED NINE (109) OF THE ORIGINAL TOWNSITE OF RAPID CITY, PENNINGTON COUNTY, SOUTH DAKOTA.

BE IT FURTHER RESOLVED, by the Common Council of the City of Rapid City that the Mayor is authorized, once the purchase of the above property is completed, to enter into a lease agreement with OneHeart, in the form and terms contained in the draft lease agreement which has been attached hereto and incorporated herein as Exhibit A.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:

s/ Pauline Sumption  
 Finance Officer

***CIP Committee Consent Items***

28. No. CIP051719-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for May 2019.
29. No. CIP051719-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, CSAC, Summary)
30. No. CIP051719-04 – Approve Capital Plan for Fire Vehicles
31. No. CIP051719-05 – Approve Capital Plan for Parks & Recreation
32. No. CIP051719-06 – Approve Capital Plan for Information Technology
33. No. CIP051719-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
34. No. CIP051719-02 – Approve Capital Plan for PW Infrastructure
35. No. CIP041219-08 – Approve 5-year Government Facilities Plan 2020-2024 (This item was continued from the April 12, 2019 CIP meeting.)

***Bid Award Consent Items***

35. No. CC060319-02.1 – Approve award of total bid for 2019 Chip Seal Project, Project No. 18-2468 / CIP No. 50844 opened on May 28, 2019 to the lowest responsible bidder, Bituminous Paving, Inc. in the amount of \$353,691.00
36. No. CC060319-02.2 – Approve award of total bid for Joint Sealing/Panel Replacement Cambell St, Project No. 18-2472 / CIP No. 50445 opened on May 28, 2019 to the lowest responsible bidder, J.V. Bailey Co. Inc. in the amount of \$387,710.80.
37. No. CC060319-02.3 - Award Current Model Year Vacuum Street Sweeper to Titan Machinery in the amount of \$257,800.00. (This item was continued from the May 20, 2019 meeting.)

END OF CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 39 – 48

***Ordinances***

Ordinance No. 6336 (LF05291901) An Ordinance Regarding Supplemental Appropriation #4 for 2019. Motion was made by Nordstom, second by Laurenti and carried that Ordinance 6331 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 17, 2019.

Ordinance 6331 (No. 19RZ013) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Yasmeen Dream, LLC for a Rezoning from General Agricultural District to Medium Density Residential District for property generally described as being located on Johnson Ranch Road east of Providers Boulevard. Motion was made by Scott, second by Laurenti and carried that Ordinance 6331 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 17, 2019.



Ordinance 6334 (No. 19RZ016) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital 4, LLC and BH Capital 6, LLC for a Rezoning from Light Industrial District to Medium Density Residential District for property generally described as being located east and north of the current terminus of E. Philadelphia Street. Motion was made by Salamun, second by Modrick and carried that Ordinance 6334 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 17, 2019.

Ordinance 6335 (No. 19RZ017) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions BH Capital 6, LLC for a Rezoning from General Commercial District to Mobile Home Residential District for property generally described as being located east and south of the current terminus of E. Philadelphia Street. Motion was made by Nordstrom, second by Laurenti and carried that Ordinance 6335 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 17, 2019.

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

Drew read in item (PW011519-14.2) Request by KTM Design Solutions on behalf of Yasmeen Dream, LLC for reimbursement for repayment of one-half of construction cost for sanitary sewer improvements for the North Valley Park in the amount of \$110,445.05. At the recommendation of the Petitioner and City Staff, motion was made by Scott, second by Laurenti and carried made motion to continue item (PW011519-14.2) to the June 17, 2019 City Council meeting

### ***Community Development Items***

The Mayor read in item (No. 19PL035) A request by KTM Design Solutions Inc. for Yasmeen Dream, LLC for a Preliminary Subdivision Plan for proposed Lots 1A thru 20B of Block 1 and Lot 1A thru 20B of Block 2 of Orchard Meadows, generally described as being located west of Elderberry Boulevard. Motion was made by Scott, second by Drew and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to provide a minimum 4,000-square foot lot size for each of the proposed townhome lots or a Final Planned Development application shall be submitted, reviewed and approved granting lot size Exception(s) for 14 of the proposed lots; 3. 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; 4. Upon submittal of a Development Engineering Plan application, construction plans for Jerusalem Boulevard, Road A, Road B and Road C shall be submitted for review and approval showing the street(s) located in a minimum 52-foot wide right-of-way and constructed with a minimum 26-foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. The plans shall also include a turnaround on Road C in conformance with the Infrastructure Design Criteria Manual. In addition, the horizontal curves on Road B as it intersects with Jerusalem Boulevard and Road A shall meet AASHTO minimum horizontal curve radii lengths or an Exception shall be obtained. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 5. 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 and as approved by the Rapid Valley Sanitary District. 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, easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan

application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and as approved by the Rapid Valley Sanitary District shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, the construction plans for a lift station, force main and related appurtenances shall be submitted to the Rapid Valley Sanitary District for review and approval. Easements shall also be provided as needed; Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, the drainage plan shall confirm that there will be no inter-basin transfer of stormwater between the Perrine Drainage Basin and the Unnamed Tributary Drainage Basin. Easements shall also be dedicated as needed; 8. 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; 9. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 11. Prior to submittal of a Final Plat application, street names for Road A, B and C shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the plat document shall be revised to show the approved street names; 12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 13. 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, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

The Mayor read in item (No. 19PL036) A request by KTM Design Solutions, Inc. for Yasmeen Dream, LLC for a Preliminary Subdivision Plan for proposed Lot 19 thru 26 and 29 thru 37 of Block 2 of Johnson Ranch Subdivision, generally described as being located on Johnson Ranch Road east of Providers Boulevard. Motion was made by Scott, second by Drew and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, all redlined comments shall be addressed; 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lots 29 through 36 a minimum of 4,922 square feet in size or a Final Planned Development Overlay application shall be submitted for review and approval granting a lot size Exception; 3. Upon submittal of a Development Engineering Plan application, construction plans for Johnson Ranch Road shall be submitted for review and approval showing the street located in a minimum of 52 feet of right-of-way and constructed with 26 feet of pavement, 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 document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street located in a minimum 100 feet of right-of-way and constructed with 36 feet of pavement, curb, gutter, sidewalk, street light conduit, dual water, and sewer, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis shall be submitted for review and approval demonstrating adequate service to meet proposed domestic and fire flows. Construction plans shall be in conformance with Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, all utility easements shall be provided as necessary; 6. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval demonstrating service is adequate to meet proposed domestic flows. Construction

plans shall be in conformance with the Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, utility easements shall be provided as necessary; 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval demonstrating adequate on-site stormwater detention and stormwater quality management in conformance with the Infrastructure Design Criteria Manual. In addition, all Major Drainage easements shall be provided as necessary; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Prior to approval of a Development Engineering Plan application, submitted engineering reports required for construction shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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; 10. Prior to approval of a Development Engineering Plan application, a development agreement shall be entered into with the City for all public improvements; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to address all red lined comments; 12. Prior to submittal of a Final Plat application, the portion of the property zoned General Agricultural District shall be rezoned to Medium Density Residential District; 13. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage easements as necessary; 14. Upon submittal of a Final Plat application, the plat documents shall show all easements as necessary, including drainage and utility easements; 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. In addition, any utilities and drainage outside the proposed right of way shall be secured within easement(s).

The Mayor read in item (No. 19PL038) A request by KTM Design Solutions, Inc. for BH Capital 4, LLC and BH Capital 6, LLC for a Preliminary Subdivision Plan for proposed Lot 1 of Block 1, Lot 2 of Block 2 of Shepherd Hills West Subdivision, generally described as being located east of the current terminus of E. Philadelphia Street. Motion was made by Laurenti, second by Scott and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, all redlined comments shall be addressed; 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show Lots 29 through 36 a minimum of 4,922 square feet in size or a Final Planned Development Overlay application shall be submitted for review and approval granting a lot size Exception; 3. Upon submittal of a Development Engineering Plan application, construction plans for Johnson Ranch Road shall be submitted for review and approval showing the street located in a minimum of 52 feet of right-of-way and constructed with 26 feet of pavement, 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 document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Elk Vale Road shall be submitted for review and approval showing the street located in a minimum 100 feet of right-of-way and constructed with 36 feet of pavement, curb, gutter, sidewalk, street light conduit, dual water, and sewer, or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis shall be submitted for review and approval demonstrating adequate service to meet proposed domestic and fire flows. Construction plans shall be in conformance with Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, all utility easements shall be provided as necessary; 6. Upon submittal of a Development Engineering Plan application, a sewer design report shall be submitted for review and approval demonstrating service is adequate to meet proposed domestic flows. Construction plans shall be in conformance with the Infrastructure Design Criteria Manual and shall be signed and sealed by a Professional Engineer. In addition, utility easements shall be provided as necessary; 7.

Upon submittal of a Development Engineering Plan application, a drainage plan and report shall be submitted for review and approval demonstrating adequate on-site stormwater detention and stormwater quality management in conformance with the Infrastructure Design Criteria Manual. In addition, all Major Drainage easements shall be provided as necessary; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. Prior to approval of a Development Engineering Plan application, submitted engineering reports required for construction shall be accepted and agreements required for construction approval shall be executed if subdivision improvements are required. 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; 10. Prior to approval of a Development Engineering Plan application, a development agreement shall be entered into with the City for all public improvements; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to address all red lined comments; 12. Prior to submittal of a Final Plat application, the portion of the property zoned General Agricultural District shall be rezoned to Medium Density Residential District; 13. Upon submittal of a Final Plat application, documentation shall be submitted for recording securing maintenance and ownership of any proposed drainage easements as necessary; 14. Upon submittal of a Final Plat application, the plat documents shall show all easements as necessary, including drainage and utility easements; 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. In addition, any utilities and drainage outside the proposed right of way shall be secured within easement(s).

**Alcoholic Beverage License Applications**

47. 2019 Retail (on-off sale) Malt Beverage & SD Farm Wine License Renewals  
 Motion was made by Modrick, second by Second by Scott and carried to approve.

License #	Owner/Master Name	DBA	Address
RB-26080	Fiesta Tequila Mexican Restaurant, LLC	Fiesta Tequila Mexican Restaurant, LLC	1001 E North St
RB-2082	Essence of Coffee, LLC	Essence of Coffee	908 Main St
RB-25632	Ana Line Enterprises LLC	Sabor A Mexico	208 E North St
RB-25670	Black Hills Badlands & Lakes Assoc	Black Hills Visitor Information CTR	1851 Discovery Cir
RB-25663	Dolgen Midwest, LLC	Dollar General #18267	1137 E Saint Patrick St
RB-3234	Josefina S Leui	Ichiban	1109 A W Omaha St
RB-3791	BW Gas & Convenience Retail LLC	Yesway #1190	3887 E Highway 44
RB-25633	Maverik Inc	Maverik Inc #552	1624 Haines Ave
RB-21038	Jorge Mata LLC	El Sombrero	1012 E North St Set A
RB-23255	PT Operations LLC	Philly Teds Cheezsteaks at Main St Square	502 Main St, Suite 200
RB-26413	Mexico Tipico LLC	Mexico Tipico	1900 N Maple
RB-26363	Family Dollar Stores of SD LLC	Family Dollar Stores of SD #7118	1025 E St Patrick Street

48. 2019 Retail (on-off sale) Malt Beverage & SD Farm Wine License Renewals WITH VIDEO LOTTERY

Motion was made by Scott, second by Second by Drew and carried to approve.

License #	Owner/Master Name	DBA	Address
RB-3912	Deanos Casino Inc	Deanos Casino II	903 E North St Suite A
RB-3588	Deanos Casino Inc	Deanos Casino	903 E North St
RB-2997	Dave M & Linda K Handley	Hot Spot Casino	420 E St Patrick St #107

**PUBLIC HEARING ITEMS – Items 49 – 50**  
**CONSENT PUBLIC HEARING ITEMS – Item 49**

***Alcohol Licenses***

49. Eni Tulistiya DBA Hana Restaurant, 3550 Sturgis Road for a Retail (on-off sale) Malt Beverage & SD Farm Wine license renewal. Motion was made by Scott, second by Salamun and carried to approve.

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS**

19VR002 Ulland Outlot Revised – Approval of Resolution 2019-031 - A request by FMG Engineering for Rapid City Economic Development Foundation to consider an application for a Vacation of Right-of-Way for property generally described as being located northeast of the intersection of East Boulevard and East Main Street. Motion was made by Scott, second by Drew and carried to approve

2019 - 031

**RESOLUTION OF VACATION  
OF RIGHT-OF-WAY**

WHEREAS, it appears that the right-of-way located in that portion of the right-of-way of East Boulevard adjacent to Ulland Outlot Revised, located in the NE1/4 of the NE1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being the right-of way lying east of East Boulevard and north Main Street up to the railroad right of way, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjacent to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

**EXECUTIVE SESSION** - - An executive session to discuss the qualifications, competence, performance, character or fitness of any prospective officer or employee pursuant to SDCL 1-25-2(1). Motion was made by Drew, second by Laurenti and carried to go into Executive Session at 7:31 p.m. Motion was made by Lewis, second by Laurenti and carried to come out of Executive Session at 7:36 p.m. with all members present.

**STAFF DIRECTION** - Authorize the Public Works;’ Director to make offers of employment for the following positions at the following grade and step: Engineering Project Manager, Grade NU23, Step 21, \$88,530.87 and Industrial Electronic Tech, Grade AF16, Step 15, \$23.95/hr. Motion was made by Scott, second by Salamun and carried to approve.

**BILLS**

The following bills have been audited:

## BILL LIST - JUNE 3, 2019

P/ROLL PERIOD END 05/11/19, PD 05/17/19	1,882,284.69
CDEV P/ROLL PERIOD END 05/11/19, PD 05/17/19	3,894.21
PIONEER BANK & TRUST, 05/11/19 P/ROLL TAXES, PD 05/17/19	486,751.08
CDEV PIONEER BANK & TRUST 05/11/19 P/ROLL TAXES, PD 05/17/19	952.43
SOUTH DAKOTA DEPARTMENT OF REVENUE APR19 SALES TAX PAYABLE PD 05/16/19	46,801.85
SOUTH DAKOTA DEPARTMENT OF REVENUE APR19 EXCISE TAX PAYABLE PD 05/16/19	157.88
SOUTH DAKOTA DEPT OF REVENUE APR19 CCTR SALES TAX PAYABLE PD 05/16/19	19,831.70
WELLMARK INC HEALTH CLAIMS THROUGH 05/17/19, PD 05/23/19	125,425.83
WAGE WORKS SECTION 125 CLAIMS THROUGH 05/20/19, PD 05/21/19	3,651.30
WAGE WORKS SECTION 125 CLAIMS THROUGH 05/27/19, PD 05/28/19	3,594.88
BANK WEST TID47 TOWER RD, PD 05/24/19	90,986.44
BANK WEST TID54 RAINBOW RIDGE, PD 05/24/19	184,895.18
BANK WEST TID56 RUSHMORE CROSSING, PD 05/24/19	519,441.04
BANK WEST TID65 MINNESOTA ST, PD 05/24/19	253,542.96
BANK WEST TID69 NORTH FIRE STATION, PD 05/24/19	378,461.91
BANK WEST TID70 CATRON BLVD, PD 05/24/19	339,652.99
CITY OF RAPID CITY TID39 ANAMOSA/AR GROUP LLC, PD 05/24/19	1,214.92
CITY OF RAPID CITY TID42 ELK VALE/TIMMONS, PD 05/24/19	101,747.12
CITY OF RAPID CITY TID56 RUSHMORE CROSSING, PD 05/24/19	98,941.15
CITY OF RAPID CITY TID64 CABELA'S, PD 05/24/19	476,842.48
DACOTAH BANK TID40 GANDOLF, PD 05/24/19	33,999.71
FIRST INTERSTATE BANK TID38 HEARTLAND RETAIL CENTER, PD 05/24/19	164,607.14
FIRST INTERSTATE BANK TID39 ANAMOSA/AR GROUP LLC, PD 05/24/19	1,214.91
FIRST INTERSTATE BANK TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 05/24/19	173,750.81
MARKET SQUARE LLC TID52 E ST CHARLES ST, PD 05/24/19	13,604.80
SODAK DEVELOPMENT TID68 HOMESTEAD, PD 05/24/19	78,295.36
BLACK HILLS ENERGY ELECTRICITY, PD 05/28/19	68,696.91
MONTANA DAKOTA UTILITIES NATURAL GAS, PD 05/28/19	15,300.86
COMPUTER BILL LIST	2,791,212.93
CDEV COMPUTER BILL LIST	8,662.30
SUBTOTAL	8,368,417.97
RSVP P/ROLL PERIOD END 5/11/19, PD 05/17/19	1,432.80
RSVP PIONEER BANK & TRUST, 05/11/19 P/ROLL TAXES, PD 05/17/19	414.24
RSVP COMPUTER BILL LIST	14.98
TOTAL	8,370,279.79

Sumption presented the bill list of \$8,370,279.79. Motion was made by Laurenti, second by Lewis and carried to authorize (No. CC060319-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Scott, second by Drew and carried to adjourn the meeting at 7:37 p.m.

Dated this 3<sup>rd</sup> day of June, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

(SEAL)