

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 19, 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, August 19, 2019, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Lisa Modrick, Ritchie Nordstrom, Darla Drew, Lance Lehmann, Laura Armstrong, Bill Evans, and Chad Lewis; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts and Becky Drury.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Assistant Fire Chief Jason Culberson, Community Development Director Ken Young, Public Works Director Dale Tech, Parks and Recreation Director Jeff Biegler, Building Services Division Manager Brad Solon and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

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

PRESENTATION

Lysann Zeller, Chair of the Sustainability Committee, presented the Annual Update. She stated the committee was formed in April 2012. She went over the history and the purpose of the committee. She stated the committee encourages education, stewardship and policy leadership. This year they have added two alternate members, a treasurer position and have a new subcommittee structure. Zach Ricard, Vice Chair of the committee, also spoke on behalf of the committee. They thanked the council for their support and stated they appreciate the help from the council liaison. Motion was made by Lewis, second by Nordstrom and carried to acknowledge the update.

Council heard the Conservation of Irrigation Water and Compost presentation given by "Jerry" Wright, PhD. Findings indicated that compost utilized as a soil amendment to the soil structure can improve soil health and structure for better water infiltration, storage, availability and conservation. The soils that were amended with compost showed a higher total carbon content, higher biomass by weight, less weed infestation, higher crop yields and better moisture content. Motion was made by Armstrong, second by Drew and carried to acknowledge the update.

GENERAL PUBLIC COMMENT

Bill Casper addressed the council with concerns regarding the 2020 proposed budget for the arts contingency as well as the City not increasing fees in at least 12 years.

Don Stover, President of the Rapid City Concert Association shared his concerns regarding the 2020 proposed budget for the arts contingency.

Gigi Lage spoke on behalf of the Allied Arts and showed a slideshow in support of the arts.

NON-PUBLIC HEARING ITEMS -- Items 3 – 40

Julie Anderson, Adrian Forrette and Karen Delicate spoke in opposition to allowing bow hunting in the city. Frank Dicesare, Dana Rogers, Jeff Olson, John Kanta and Trenton Haffley spoke in support of the ordinance.

CONSENT ITEMS – Items 3 – 30

The following were removed from the Consent Items:

28. LF081419-04 – Acknowledge Annual TID Report to City Council.
29. LF081419-01 – Approve Resolution No. 2019-062 a Resolution Establishing the City of Rapid City Archery Antlerless Deer Access Permit Program.

Motion was made Lewis, second by Drew and carried to approve items 3-30 with the exception of items 28 and 29.

Approve Minutes

3. Approve Minutes for the August 5, 2019 Regular Council meeting.
4. Approve Minutes for the August 5, 2019 Special Council meeting.

Vacations of Right-Of-Way Set for Hearing (September 16, 2019)

5. No. 19VR004 - A request by Davis Engineering, Inc. for Murphy Brothers Partnership, LLC for a Vacation of Right-of-Way for property generally described as being located south of the current terminus of Knuckleduster Road.

Alcoholic Beverage License Applications Set for Hearing (September 3, 2019)

6. Naja Shrine Temple for a SPECIAL EVENT On-Sale Dealer license for an event scheduled for September 14, 2019 at Rapid City Shrine Center, 4091 Sturgis Road
7. Western Dakota Tech Foundation for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an events scheduled for September 14, 2019 and October 17, 2019 at Western Dakota Tech Foundation, 800 Mickelson Drive
8. Senior Citizens Inc. for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for October 11, 2019 at Canyon Lake Activity Center, 2900 Canyon Lake Drive
9. Zonta Club of the Black Hills for a SPECIAL EVENT Off-Sale Wine and Off-Sale Package Malt Beverage licenses for an event scheduled for November 7, 2019 at Rushmore Plaza Civic Center, 444 N. Mt. Rushmore Road
10. Black Hawk Oil, Inc. DBA Mr. Liquor, 3609 Sturgis Road for a Package (off sale) Liquor license TRANSFER from Staple & Spice Market Inc., DBA Staple & Spice Market, 601 Mt. Rushmore Road
11. Staple & Spice Market Inc. DBA Staple & Spice Market, 601 Mt. Rushmore Road, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license.
12. Hartmann Enterprises LLC DBA Time Square Liquor, 13 New York Street for a Package (off sale) Liquor license TRANSFER from Bach Investment Inc. DBA Hideaway Casino, 1575 LaCrosse Street Suite D
13. Joachley's Studios DBA Board & Brush, 705 Indiana Street, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license

Public Works Committee Consent Items

14. PW081319-01: Authorize Staff to Advertise for Bids for Gray Fox Court and Fox Run Drive Storm Sewer Outfall Stabilization, Project No. 18-2444 / CIP No. 51167, Estimated Cost \$400,000.
15. PW081319-02: Authorize staff to advertise for E Saint Francis Street Paving, Project No. 19-2514 / CIP 51237 for \$87,000.
16. PW081319-08: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid and Longbranch Civil Engineering, Inc. for Professional Engineering Services for Robbinsdale Phase 6 Design, Project No. 19-2515, CIP No. 51232, in the amount of \$517,084.00.
17. PW081319-05: Approve Change Order #1 F to Kaski, Inc. for Creek Drive Utility Easement Reclamation Project, Project #19-2495 / GIP NO. 51035.1 for an increase of \$4,212.45.

- 18. PW081319-06: Approve Change Order #2 to R.C.S. Construction, Inc. for Willow Avenue, Ivy Avenue, Fairlane Drive, Street and Utility Reconstruction Project, Project #15-2254 / CIP NO. 50421.3-1 C. This is a no cost change order.
- 19. PW081319-07: Approve request from the Herman F. Jones revocable trust and Wanda J. Jones revocable trust for Council Authorization for City of Rapid City (City) to provide water and sewer service outside City Limits.
- 20. PW081319-10: Authorize Mayor and Finance Officer to Sign Resolution No. 2019-069 Construction Fee Resolution for Southside Drive and Reservoir Road Sanitary Sewer Extension Oversize - Per Acre Fee, Project Nos. 14-2095 & 15-2315.

Resolution # 2019-069
 CONSTRUCTION FEE RESOLUTION FOR SOUTHSIDE DRIVE AND RESERVOIR ROAD
 SANITARY SEWER EXTENSION - OVERSIZE
 PROJECT NOS. 14-2095 & 15-2315

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sewer pipes or mains to pay their proportionate share of the cost to construct such sewer pipe or main prior to being allowed to connect to the City’s sewer utility; and

WHEREAS, a 33” sewer main was extended in Southside Drive and Reservoir Road per City Project Nos. 14-2095 & 15-2315; and

WHEREAS, the total oversize cost of constructing this sewer main was \$1,332,666.87; and

WHEREAS, the City’s engineering staff had identified the total area that will benefit from construction of this sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City’s sewer utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sewer utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 33” sewer main shown in City Project Nos. 14-2095 & 15-2315.

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$548.42 per acre to connect to the City’s sewer utility.

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the sewer utility enterprise fund.

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$1,332,666.87 has been collected, or until all benefitting properties have connected to City sewer, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 19th day of August, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 21. PW081319-09: Approve Change Order No. 2 to Simon Contractors of SD, for Parks and Recreation 2019 Asphalt Paving Project PR19-6166, for an increase of \$19,088.85.
- 22. PW081319-03; Approve with stipulations, a Request from Davis Engineering, Inc. for an Exception for an additional lot generally located at Lot 8 of Hills View Subdivision, 1171 Valley Drive to allow more than 40 dwelling units with one point of access. Per Section 2.6 of the Infrastructure Design Criteria Manual (IDCM), a single access can only serve 40 dwelling units unless an Exception is approved by City Council.

Legal & Finance Committee Consent Items

- 23. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Fiona Anderson (Library), Christine Jones (Library)
- 24. LF081419-07 – Acknowledge June 2019 Sales Tax Report
- 25. LF081419-09 –Approve Resolution No. 2019-068 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-068
RESOLUTION LEVYING ASSESSMENTS FOR
ABATEMENT OF NUISANCES

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

- 1. The City Council has made all investigations which it deems necessary and has found and determined that the condition of your property had constituted a nuisance. The City abated this nuisance. The cost of the abatement, including administrative costs, is the amount stated in the proposed Assessment Roll for Abatement of Nuisances.
- 2. The Assessment Roll for Abatement of Nuisances is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
- 3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer, shall be certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer’s Office with the statutory interest rate.

Dated this 19th day of August, 2019.

CITY OF RAPID CITY

s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 26. LF081419-02 – Authorize Staff to Apply and Accept if Awarded the Hazardous Materials Emergency Preparedness (HMEP) Grant for the amount of \$38,786.00. Funding is for Three Separate Training Workshops Focused on Hazardous Material Transportation
- 27. LF081419-06 – Authorize Staff to Apply for and Accept if Granted, the 2019 JAG Grant, Totaling \$92,425.00 to be Evenly Split Between the RCPD and the Pennington County Sheriff’s Office, to be Used to Replace Aging Radios

Community Development Consent Items

- 30. LF081419-05 – Approve Final Community Development Block Grant (CDBG) FY2019 Funds Reallocation Recommendation

END OF CONSENT ITEMS

Mayor read in item (LF081419-04) Acknowledge Annual TID Report to City Council. Modrick asked Sumption to explain portions of the report. Motion was made by Lewis, second by Armstrong and carried to acknowledge the report.

Mayor read in item (LF081419-01) Approve Resolution No. 2019-062 a Resolution Establishing the City of Rapid City Archery Antlerless Deer Access Permit Program. Modrick, Armstrong and Evans spoke against the resolution. Nordstrom, Drew and Strommen spoke in favor of it. Motion was made by Lewis, second by Lehmann to approve. Motion carried 5-3 with Modrick, Armstrong and Evans voting no.

RESOLUTION NO. 2019-062
A RESOLUTION ESTABLISHING THE CITY OF RAPID CITY ARCHERY ANTLERLESS DEER
ACCESS PERMIT PROGRAM

WHEREAS, the deer population throughout the City of Rapid results in a number of conflicts between deer and people, including collisions between automobiles and deer that can result in extensive property damage, bodily injury, and in some cases even death; and

WHEREAS, the deer population can also cause property damage to home gardens, landscaping, and natural environments that are habitats for other species; and

WHEREAS, whitetail deer are a primary host to Black Legged (deer) ticks, the carrier of several human diseases, including Lyme Disease; and

WHEREAS, Chronic Wasting Disease, an always fatal neurological disease of cervids, has been found in the city limits of Rapid City and reducing deer densities has been indicated as one method that may limit the spread of the disease; and

WHEREAS, the Common Council recognizes that deer in urban areas, for the most part, lack predators to control deer populations and, in turn, deer in large numbers can cause significant habitat damage; and

WHEREAS, the City of Rapid City wishes to manage the deer population within the city limits of Rapid City; and

WHEREAS, the City of Rapid City adopted a revised deer management plan in 2012 entitled the Rapid City Deer Management Program in an effort to foster healthy deer populations; and

WHEREAS, sportsmen and women across the nation contribute the majority of the monies used to manage and conserve wildlife; and

WHEREAS, the City of Rapid City has an ordinance that generally prohibits archery deer hunting within City limits except for hunting by those individuals who obtain Access Permits pursuant to the City of Rapid City Archery Antlerless Deer Access Permit Program;

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the City establishes the following City of Rapid City Archery Antlerless Deer Access Permit Program in order to help manage the deer population within the city limits of Rapid City.

City of Rapid City Archery Antlerless Deer Access Permit Program

Permit Administration

A limited public archery hunt has been set up to manage the deer population within the city limits of Rapid City. This antlerless deer hunting opportunity, called the Rapid City Archery Antlerless Deer Access Permit Program, will be administered by South Dakota Game, Fish and Parks (SDGFP) and the Rapid City Police Department (RCPD).

SDGFP will accept online Access Permit applications from hunters. SDGFP will administer a draw for Access Permits through its online license system. Applications will be accepted September 1st through September 15th. Successful applicants will be notified by September 25th. Any remaining permits will be available on a first come, first served basis. There is no cost to apply for an Access Permit, however, there is a cost to obtain an archery hunting license from SDGFP, as explained further below.

Archery Hunting Licenses

Those individuals successful in drawing an Access Permit must obtain an archery hunting license from SDGFP before the Access Permit will be provided to the individual. There is a cost to obtain an archery hunting license from SDGFP; however, there is no cost to obtain an Access Permit.

Rules and Regulations

All big game regulations, as well as the following rules, would apply to anyone hunting within the city limits of Rapid City pursuant to an Access Permit:

- A hunter must be a resident of South Dakota.
- A hunter must be 18 years of age to hunt alone. A hunter under the age of 18 must be accompanied (within arm's reach) by a qualified adult supervisor.
- A hunter must possess a hunter safety education certificate.
- An individual successful in the Access Permit draw will be required to pass a proficiency test prior to being allowed to acquire an Access Permit. The proficiency test will require a hunter to place 3 of 3 arrows in an 8" diameter circle at 30 yards with a broadhead tipped arrow and the archery equipment to be used while hunting with the Access Permit.

- A hunter must attend a mandatory briefing and training held at the SDGFP Outdoor Campus - West located at 4130 Adventure Trail in Rapid City.
- A hunter must mark his or her arrows with his or her SD archery license number that is printed on his or her archery tag or their printed first and last name. The license number typically starts with the 2 digit year followed by 8 digits (ex. 19-0000000).
- A hunter must carry his or her Access Permit while hunting.
- A hunter must obtain and display a Parking Permit distributed by SDGFP in his or her vehicle while the hunter is hunting pursuant to the terms of the Access Permit.
- A hunter may only hunt antlerless deer. A hunter may only kill one antlerless deer.

Either SDGFP or RCPD may revoke a hunter's Access Permit for: failure to comply with the rules above and all big game regulations; the violation by a permittee of any provision of the Rapid City Municipal Code, state law, or federal law; or other good cause. A written order of revocation shall be hand-delivered, sent by first class mail to the permittee's last known address, or sent by email to permittee's last known email address. A written order of revocation is effective on the date that it is signed by either SDGFP or RCPD. A person whose Access Permit has been revoked may appeal the revocation decision to the Common Council by submitting a written letter of appeal to the Rapid City Finance Officer or his or her designee within 14 calendar days of the effective date of the order of revocation. If, upon consideration, a majority of the Council votes to overturn the order of revocation, then the license shall be reinstated.

Hunting Locations and Periods

Hunters will be required to stay within the boundaries of their Access Zone at all times. Within each Access Zone, a specific Hunting Zone will be identified. Harvesting of deer can only occur within the Hunting Zone. If successful, hunters will be allowed to retrieve their game outside of the Hunting Zone but at no time can they leave the Access Zone. Maps will be distributed to hunters and both Access Zones and Hunting Zones will be marked and identifiable while afield via flagging or painted fence posts.

Temporary hunting blinds or trees stands will be allowed, but blinds may not be placed prior to a particular hunter's access period and must be removed by the last day of their 14-day access window. Temporary tree stands may be used but the use of nails, screws, bolts or anything that will cause lasting damage to the tree is prohibited.

Hunting periods will be for 14 days starting on a Sunday and ending on a Saturday. Hunting periods for 2019 will be as follows:

Sept 29-Oct 12

Oct 13-Oct 26

Oct 27-Nov 9

Nov 10-Nov 23

Nov 24-Dec 7

Dec 8-Dec 21

Dec 22- Jan 1

Using the three areas outlined below, there would be a maximum of 21 hunters licensed for this program during the fall and winter of 2019.

Tentative Access Zones are pictured below. Hunting Zones (depicted in blue) are subject to change following on-site tours pending approval of the antlerless hunt.

Dated this 19th day of August, 2019.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

NON-CONSENT ITEMS – Items 31 – 40

Kyle Hibbs, engineer, spoke on behalf of KTM Design Solutions for item 19RD004. He said he was there to answer any questions. Michael Brown, property owner on Big Sky Drive, said he was there representing himself and four neighbors to voice opposition to the change. Brad Solon, Division Manager of Building Services, stated 911 is against keeping the Big Sky name because of continuity. 911 Rescue Services thinks the name should be changed to Patricia Street.

Ordinances

Ordinance 6347 (LF073119-04) An Ordinance to Amend Section 9.28.020 of the Rapid City Municipal Code Relating to Throwing Stones and Missiles. Having passed its first reading on August 5, 2019 motion was made by Lewis, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Lewis, and Strommen. NO: Modrick, Evans and Armstrong; Whereupon, the Mayor declared the motion passed and Ordinance 6347 was declared duly passed upon its second reading.

Ordinance 6352 (LF073119-12) An Ordinance Removing the Requirement to have a Runoff Election for Municipal Offices by Repealing Section 1.16.030 of the Rapid City Municipal Code. Having passed its first reading on August 5, 2019 motion was made by Lewis, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Lewis, Modrick, Evans, Armstrong and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6352 was declared duly passed upon its second reading.

Ordinance 6349 (No. 19RZ025) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for Sharaf 5 Properties, LLC for a Rezoning request from High Density Residential District to Urban Commercial District for property generally described as being located 18 E. Kansas City Street. Motion was made by Drew, second by Lehmann and carried that Ordinance 6349 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 3, 2019.

Ordinance 6350 (No. 19RZ026) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for BH Capital 4, LLC for a Rezoning request from Low Density Residential District II to Medium Density Residential District for property generally described as being located east of E. Anamosa Street. Motion was made by Lewis, second by Nordstrom and carried that Ordinance 6350 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 3, 2019.

Ordinance 6351 (LF081419-03) An Ordinance Concerning the Opportunity Capture Fund Oversight Board. Motion was made by Drew, second by Nordstrom and carried that Ordinance 6351 be placed

upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 3, 2019.

Ordinance 6346 (LF081419-10) regarding FY2020 Appropriation Ordinance. Motion was made by Lewis, second by Drew and carried that Ordinance 6346 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, September 3, 2019.

Community Development Items

Mayor read in item (No. 19PL059) A request by Dream Design International, Inc. for BH Capital 4, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Block 1 of Shepherd Hills Subdivision, generally described as being located east of E. Anamosa Street south of Menards. Motion was made by Modrick, second by Drew and carried to approve with the following stipulations: 1. 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 pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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; 2. Upon submittal of a Development Engineering Plan application, construction plans for E. Anamosa Street, a principal arterial street, shall be submitted for review and approval showing the street located in a minimum 100-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way with an additional 10-feet of right-of-way the first 200 feet extending from E. Anamosa Street and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. In addition, prior to submittal of a Development Engineering Plan application for Phase 1B, the construction plans shall include that portion of E. Philadelphia Street located east of the property unless already constructed as a part of Shepherd Hills West Subdivision or the construction plans shall provide a street connection to N. Valley Drive or an Exception shall be obtained from the City Council to allow more than 40 dwelling units with one point of access; 4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. Prior to approval of a Development Engineering Plan application, the applicant shall enter into an agreement with the City detailing cost obligations, scope and schedule of replacing the existing low level 12-inch water main with a new 20-inch low level water main in E. Anamosa Street from E. North Street to the development. In addition, easements shall be provided as needed; 5. 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 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 particular, the sewer design report shall evaluate the existing 8-inch sewer main(s) from the proposed development to Sedivy Lane to verify adequate capacity is available to serve the proposed development. In addition, easements shall be provided as needed; 6. 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,

easements shall be provided as needed; 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval for the required subdivision improvements; 8. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 10. 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; 11. 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, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor read in (No. 19PL060) A request by Longbranch Civic Engineering, Inc. for Lee Jensen for a Preliminary Subdivision Plan for proposed Lot 2R2 of Block 6 of Elks Country Estates, generally described as being located northwest of the intersection of Willowbend Road and Augusta Drive. Motion was made by Modrick, second by Drew to approve with stipulations: 1. Prior to submittal of a Development Engineering Plan application, redline comments on the construction drawings and the Master Plan shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 2. 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for Willowbend Road shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with a temporary turnaround or shall meet criteria for obtaining an Exception. 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, 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, easements shall be dedicated as needed; 5. 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; 6. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 7. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 8. Prior to submittal of a Final Plat application, that portion of Willowbend Road located north of Augusta Drive shall be renamed. In addition, the plat document shall show the new street name; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the Owner's Certificate for a corporate acknowledgement. In addition, the Certificate of Finance Officer shall be revised to show the certification of the signature of the "Community Development Director" in lieu of the "Community Planning Director"; 10. 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, 11. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor read in item (No. 19PL061) A request by Fisk Land Surveying & Consulting Engineers, Inc. for Lima Properties LLC for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Lima Subdivision, generally described as being located 2700 Mount Rushmore Road and 751 Cathedral Drive. Motion was made by Modrick, second by Lewis and carried to approve with the following stipulations: Planning Commission recommended to approve the Preliminary Subdivision Plan with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 2. 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for the Common Access and Utility Easement shall be submitted for review and approval showing the street located in a minimum 70-foot wide easement and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception or Variance (sidewalk). 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, the plat document shall be revised to show the dedication of four additional feet of right-of-way along Tower Road with five additional feet the first 200 feet extending south from Cathedral Drive or shall meet criteria for obtaining an Exception. 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, 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 if subdivision improvements are required. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements shall be dedicated as needed; 6. 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; 7. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 9. 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, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor read in item (19RD004) Approve Resolution No. 2019-064 a Resolution Requesting a Portion of Big Sky Drive be Renamed to Patricia Street. Motion was made by Drew, second by Lehmann to approve. Modrick, Evans, Nordstrom and Strommen spoke in opposition to the resolution. Drew spoke in favor of changing the street name. Motion ended in a tie vote 4-4. Mayor Allender broke the tie vote with an aye vote. Motion carried 5-4 with Strommen, Evans, Nordstrom, and Modrick voting no.

Resolution 2016-064
Resolution Renaming Big Sky Drive to Patricia Street

BE IT RESOLVED, by the City of Rapid City, that the right-of-way adjacent to Lot 15 of Block 11, Lot 15 of Block 12, Lot 1 of Block 13 and Lot 1 of Block 14 of Big Sky Subdivision, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Patricia Street.

Dated this 19th day of August, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

PUBLIC HEARING ITEMS – Items 41 – 51
CONSENT PUBLIC HEARING ITEMS – Item 41 – 46

Alcohol Licenses

- 41. Dakota Point Brewing LLC for a SPECIAL EVENT On-Sale Malt Beverage license and On-Sale Wine license for events scheduled for September 7, 2019, September 28, 2019, October 5, 2019, October 26, 2019 and November 2, 2019 at South Dakota School of Mines and Technology, O’Harra Stadium, Ramp C, Fenced Beer Garden, 501 E. St. Joseph Street
- 42. Thai Thai LLC DBA Thai Thai Restaurant, 221 E North Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and Retail (on-off sale) Wine and Cider license TRANSFER from Mai Goodsell DBA Saigon Restaurant, 221 E North Street
- 43. Wisdom Inc. DBA Country Inn & Suites by Radisson, 2321 N. LaCrosse Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine license
- 44. Family Dollar Stores of South Dakota, LLC DBA Family Dollar #28320, 1445 Haines Avenue, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license.
- 45. Poker Joe’s Inc. DBA Poker Joe’s, 211 Cambell Street for a retail (on-sale) liquor license TRANSFER from B&B Kelley LLC formerly DBA Historic Freight House (inactive) 306 7th Street
- 46. Brinker Restaurant Corporation DBA Chili’s Grill & Bar, 2125 Haines Avenue for a Retail (on-sale) Liquor license TRANSFER from ERJ Dining IV LLC DBA Chili’s Grill & Bar, 2125 N. Haines

Motion was made by Lewis, second by Armstrong and carried to approve items 41-46.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 47 – 51

Mayor read in item (No. 19CA002) Resolution 2019-059, a request by City of Rapid City for a Comprehensive Plan Amendment to revise the Rapid City Future Land Use Plan. *(This item was continued from the July 15, 2019 Council meeting.)* Motion was made by Lewis, second by Armstrong and carried to continue this item to September 3, 2019.

Mayor read in item (No. 19VR003) A request by Fisk Land Surveying and Consulting Engineers, Inc. for David Ritter for a Vacation of Right-of-Way for property generally described as being located on Wood Avenue lying south of Knollwood Drive. Motion was made Armstrong, second by Drew to continue this item to September 16, 2019.

Ordinance 6342 (No. 19RZ022) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for Eileen and Edward Eller for a Rezoning Request from General Agricultural District to Low Density Residential District for property generally described as being located west of the current terminus of W. Minnesota Street, east of Mt. Rushmore Road. Having passed its first reading on August 5, 2019 motion was made by Modrick, second by Armstrong that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Strommen, Lewis, Armstrong, Evans and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6342 was declared duly passed upon its second reading.

Ordinance 6343 (No. 19RZ023) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Brian Watland for Western Dakota Technical College for a Rezoning Request from Low Density Residential District to Public District for property generally described as being located east of Mickelson Drive, west of Valle Drive and north of Homestead Street. Having passed its first reading on August 5, 2019 motion was made by Drew, second by Armstrong that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Strommen, Lewis, Armstrong, Evans and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6343 was declared duly passed upon its second reading.

Ordinance 6344 (No. 19RZ024) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for Yasmeen Dream, LLC for a Rezoning Request from General Agricultural District to Medium Density Residential District for property generally described as being located east of Elk Vale Road. Having passed its first reading on August 5, 2019 motion was made by Modrick, second by Strommen that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Strommen, Lewis, Armstrong, Evans and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6344 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - AUGUST 19, 2019

P/ROLL PERIOD END 08/03/19, PD 08/09/19	1,915,890.95
SUPP P/ROLL PERIOD END 08/03/19, PD 08/12/19	682.43
PIONEER BANK & TRUST, 08/03/19 P/ROLL TAXES, PD 08/09/19	488,970.65
PIONEER BANK & TRUST, SUPP 08/03/19 P/ROLL TAXES, PD 08/12/19	35.68
WELLMARK INC, HEALTH CLAIMS THROUGH 07/26/19, PD 08/01/19	172,701.11
WELLMARK INC, HEALTH CLAIMS THROUGH 08/02/19, PD 08/08/19	161,871.71
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/05/19, PD 08/06/19	4,108.78
WAGE WORKS, SECTION 125 CLAIMS THROUGH 08/12/19, PD 08/13/19	3,635.25
SOUTH DAKOTA RETIREMENT SYSTEM, JULY19 RETIREMENT, PD 08/06/19	477,347.99
SDRS-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE- ROGERS, C. PD 08/09/19	45.00
BERKLEY ASSIGNED RISK SERVICES, ADD'L CLAIM, PD 08/12/19	11,565.92
BERKLEY ASSIGNED RISK SERVICES, JUL19 CLAIMS, PD 08/08/19	39,649.83
BLACK HILLS ENERGY, ELECTRICITY, PD 08/14/19	53,286.14
COMPUTER BILL LIST,	2,868,838.09
CDEV COMPUTER BILL LIST	321.87
SUBTOTAL	6,198,951.40
RSVP, P/ROLL PERIOD END 8/03/19, PD 08/09/19	1,447.13
RSVP, PIONEER BANK & TRUST, 08/03/19 P/ROLL TAXES, PD 08/09/19	412.31
RSVP, COMPUTER BILL LIST	28.52
TOTAL	6,200,839.36

Sumption presented the bill list of \$6,200,839.36. Motion was made by Drew, second by Evans and carried to authorize (No. CC081919-01) 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 Armstrong, second by Lewis and carried to adjourn the meeting at 8:21 p.m.

Dated this 19th day of August, 2019.

ATTEST:

CITY OF RAPID CITY

Finance Officer

Mayor

(SEAL)