

**ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.**

**AGENDA FOR THE CITY COUNCIL  
City of Rapid City, South Dakota  
6:30 P.M., Monday, September 16, 2019**

**ROLL CALL AND DETERMINATION OF QUORUM**

**INVOCATION** (You are welcome to participate, but not required)

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**AWARDS AND RECOGNITIONS**

1. Proclamation for Constitution Week
2. Girls State and Girls Nation Presentation – Alexandra Licht

**GENERAL PUBLIC COMMENT** (3-minute time limit per speaker)

A time for the members of the public to discuss or express concerns to the Council on any issue not on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Council members present.

**NON-PUBLIC HEARING ITEMS** -- Items 3 – 43

**Open Public Comment** – Items 3 – 37 (3-minute time limit per speaker)  
**Close Public Comment**

**CONSENT ITEMS** – Items 3 – 37

**Remove Items from the “Consent Items” and Vote on Remaining Consent Items**

***Approve Minutes***

3. Approve Minutes for the September 3, 2019 Regular Council meeting.
4. Approve Minutes for the September 10, 2019 Special Council meeting.

***Vacations of Right-Of-Way Set for Hearing (NONE)***

***Alcoholic Beverage License Applications Set for Hearing (October 7, 2019)***

5. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for October 17, 2019 at SDSM&T Pearson Alumni and Conference Center, 330 E Kansas City Street
- 5A. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for November 12, 2019 at Youth and Family Services, 120 E Adams Street
6. Nash-Finch Company DBA Family Fare, 1516 E Saint Patrick Street for a Package (off sale) Liquor license (Inactive) TRANSFER from Eaglecav LLC DBA Sooper Dooper Liquor, 915 E St Patrick Street
7. Wisdom Inc. DBA Wisdom Inc., 2205 N LaCrosse Street for a Retail (on-sale) Liquor License (Inactive) TRANSFER from The Guadalajara’s LLC DBA Guadalajara’s Mexican Restaurant & Cantina, 2205 N LaCrosse Street

- 7A. Brenda Howard DBA Rare Finds Décor, 1141 Deadwood Ave #3, for a retail (on-off sale) Wine and Cider license

**Public Works Committee Consent Items**

8. PW091019-02: Confirm the new appointment of David Williams to the Historic Preservation Commission and confirm the appointment corrections for John Riker, Chris Wehrle, Patrick Roseland and Jeff Drahota to the Historic Preservation Commission.
9. PW091019-03: Approve Request for Stormwater Drainage Utility Fee Abatement for Daylight Investments III, LLC, for property located at 1700 Seger Dr., Tax ID 42318, in the amount of \$4,739.34 (2018 and 2019)
10. PW091019-04: Authorize Staff to Advertise Bids for Lion Drive Rehabilitation Project No. 18-2474/CIP No. 50549. Estimated Cost \$365,000.00
11. PW091019-05: Authorize staff to Advertise for Bids Project No. 2527 / CIP No. 51249 Star of the West Restrooms
12. PW091019-06: Authorize Staff to Advertise for Bids for Park Drive Storm Sewer Repair, Project No. 19-2483 / CIP No. 51184, Estimated Cost \$60,000.
13. PW091019-07: Approve Change Order 1 F to Underground Construction, Inc. for 7th Street Water Extension St. Cloud to Franklin St. and St. James Sanitary Sewer Mt. Rushmore Rd to 9th St. Project #18-2433/CI P 51199 for an increase of \$12,891.95.
14. PW091019-08: Approve Correction to funding source identified in original award recommendation for bid of Hanover Drive Drainage Crossing, Project No. 18-2460 / CIP No. 51204 opened on July 30, 2019 to the lowest responsible bidder, R.C.S. Construction, Inc. in the amount of \$289,832.93
15. PW091019-14: Approve Correction to funding source identified in original award recommendation for bid of Joint Sealing/Panel Replacement Cambell Street, 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.
16. PW091019-11: Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and Yasmeeen Dream 111, LLC for Oversize Water Main Cost Reimbursement, not to exceed \$72,200.00, for approximately 1,280 linear feet within the future E Philadelphia Street Right-Of-Way.
17. PW091019-12: Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and Yasmeeen Dream 111, LLC for Oversize Water Main Cost Reimbursement, not to exceed \$191,000.00, to increase the size of low level water main from 8" to 20" for approximately 820 linear feet and upsize the high level water main from 12" to 16" for approximately 750 linear feet within future E. Anamosa Street Right-Of-Way.
18. PW091019-13: Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and Yasmeeen Dream 111, LLC to allow conversion of existing 12" Low Level Water Main to High Level Water Main (North Rapid Zone) and payment be made to the City for replacement of their share of the costs for original 12" pipe.
19. PW091019-10: Authorize Mayor and Finance Officer to sign Joint Powers Financial and Maintenance Agreement with the Department of Transportation for Roadway Safety Improvement Project PH 000S(401) PCN 06C6 to install retroreflective back plates on 53 City-owned traffic signals.
20. PW091019-01: Authorize the Solid Waste Division to purchase a recycling baler for the Material Recovery Facility (MRF) from Source Well with vendor Recovery Systems, Inc. for a total cost of \$537,287.00. Funding will be from the Solid Waste Division with a 50% reimbursement from a SDDENR Solid Waste Grant
21. PW091019-09: Authorize Mayor and Finance Office to sign Resolution No. 2019-072 to apply for and, if awarded, accept an SD DENR grant and loan for the Cell 16 Closure/GCCS System, Litter Control Netting Along Perimeter of Cell #18, and Cell #15 Project Analysis, and authorizing the Public Works Director or designee to administer the grant, if awarded.
22. 19VR004: Murphy Ranch Estates and Murphy's Subdivision – Acknowledge the Tabling of Resolution 2019-067 - A request by Davis Engineering, Inc. for Murphy Brothers Partnership, LLC

to consider an application for a Vacation of Right-of-Way for right-of-way adjacent to Lots 1 and 2 of Murphy's Subdivision and Tract F of NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located south of the current terminus of Knuckleduster Road.

23. PW091019-15: Approve Resolution No. 2019-080 Amending the Policy of the City of Rapid City to Defray the Cost of Cleaning of Property Damaged by Sewer Backups.

***Legal & Finance Committee Consent Items***

24. LF091119-03 – Confirm the New Appointment of Jamie Toennies and the Reappointment of Herb Kron and Judy Duhamel to the Community Investment Committee
25. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Marcia Wald (Fire Department), Della Gissel (Library), Elias Martinez (Library), Riley Murphy (Library)
26. LF091119-05 – Approve Resolution No. 2019-078 a Resolution Levying Assessment for Abatement of Nuisances
27. LF091119-06 – Authorize the Mayor and Finance Officer to sign the 2020 Corporation for National Community Services (CNCS) Grant Application and to Accept if Awarded.
28. LF091119-02 – Approve Resolution No. 2019-077 a Resolution Declaring Miscellaneous Personal Property Surplus to be Retired Due to Age and Medical Issues
29. LF091119-01 – Authorize Mayor and Finance Officer to Sign Presidential Statues Memorandum of Agreement between the City of Rapid City and the City of Presidents Foundation
30. LF091119-09 – Authorize Mayor and Finance Officer to Sign Amendment to Agreement for Utility Relocation Between the City of Rapid City and Black Hills Power, Inc. for Reimbursement of Power Transmission/Distribution Line Relocation Costs for the Civic Center Expansion Project No. 18-2452

***CIP Committee Consent Items (NONE)***

***Community Development Consent Items***

31. LF091119-04 – Authorize Mayor and Finance Officer to Sign the State of South Dakota Agreement/Letter of Agreement with the Department of Environmental and Natural Resources for the Air Quality Program
32. 08TI001 – Brookfield Subdivision – Approve Resolution No. 2019-071 A request by Sperlich Consulting, Inc. for Doeck, LLC to consider an application to Dissolve Tax Increment District No. 67 for property generally described as being located east and west of Haines Avenue and north and south of Country Road

***Bid Award Consent Items***

33. CC091619-04.1 – Approve award of total base bid plus Alternate 1, Alternate 2, Alternate 4 and Alternate 5 for City Hall Administration Center Renovation, Project No. 19-2491 / CIP No. 51225 opened on September 10, 2019 to the lowest responsible bidder, MAC Construction Co., Inc. in the amount of \$1,710,000.00.
34. CC091619-04.2 – Approve award of total bid for E Saint Francis Street, Project No. 19-2514 / CIP No. 51237 opened on September 10, 2019 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$102,282.50.
35. CC091619-04.3 – Approve award of total bid for Gray Fox Court and Fox Run Drive Storm Sewer Outfall Stabilization, Project No. 18-2444 / CIP No. 51167 opened on September 10, 2019 to the lowest responsible bidder, Lind-Exco, Inc. in the amount of \$346,936.17.
36. CC091619-04.4 – Approve award of total bid for Tower Court Storm Sewer Outfall Stabilization, Project No. 18-2455 / CIP No. 51203 opened on September 10, 2019 to the lowest responsible bidder, Lind-Exco, Inc. in the amount of \$392,917.38
37. CC091619-04.5 – Continue award of bid for One Stationary 75 KVA Natural Gas Fueled Generator and Automatic Transfer Switch opened on September 10, 2019 to the October 7, 2019 Council meeting.

END OF CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 38 – 43

**Open Public Comment** – Items 38 – 43 (3-minute time limit per speaker)

**Close Public Comment**

**Ordinances**

38. LF091119-07 – First Reading of Ordinance No. 6348 Regarding Supplemental Appropriation #6 for 2019.

**Recommendation: Approve**

39. No. 19RZ030 - First Reading, Ordinance 6357, 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 request from Medium Density Residential District to Office Commercial District for property generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

**Recommendation: Approve**

40. No. 19RZ031 - First Reading, Ordinance 6358, 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 request from General Agricultural District to Office Commercial District for property generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

**Recommendation: Approve**

41. No. 19RZ032 - First Reading, Ordinance 6359, 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 request from General Agricultural District to Office Commercial District for property generally described as being located south of Jaffa Garden Way and west of Elderberry Boulevard.

**Recommendation: Approve**

42. No. 19RZ033 - First Reading, Ordinance 6360, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for John Parker and Rob Scull for a Rezoning Request from Office Commercial District to General Commercial District for property generally described as being located southeast of the intersection of 5th Street and Parkview Drive.

**Recommendation: Approve in conjunction with associated Final Planned Development Overlay (File #19PD038)**

**Public Works Committee Items (NONE)**

**Legal & Finance Committee Items**

43. LF091119-08 – Approve Audit Report of City of Rapid City – 2018 Financial and Compliance Report.

**Recommendation: Take to Special Council meeting without recommendation.**

**CIP Committee Items (NONE)**

**Community Development Items (NONE)**

**Other Board, Commission & Committee Items (NONE)**

**Bid Awards (NONE)**

**Alcoholic Beverage License Applications**

*Reissuance  
Special Event*

**Mayor’s Items (NONE)**

**Council Items & Liaison Reports**

Reconsideration Notices  
Motion for Delivery of Items from Committee

**Staff Items (NONE)**

**Appeals (NONE)**

*Planning Commission Appeals  
License Appeals  
Sign Code Appeals  
Other Appeals Heard by the Council*

**PUBLIC HEARING ITEMS** – Items 44 – 53

**Open Public Hearing (comment)** - Items 44 – 53 (3-minute time limit per speaker)  
**[Public Hearing Remains Open]**

**Close Public Hearing (comment)** - Items 44 – 53

**CONSENT PUBLIC HEARING ITEMS** – Item 44 – 50

Remove Items from the “Consent Public Hearing Items” and Vote on Remaining Consent Items

**Community Development Items (NONE)**

**Alcohol Licenses**

- 44. Moyle Petroleum Company DBA Common Cents Food Store #125, 1821 N. Elk Vale Rd for a Package (off sale) Liquor license TRANSFER from Moyle Petroleum Company DBA Sheridan Lake Common Cents, 2808 Sheridan Lake Road
- 45. Moyle Petroleum Company DBA Common Cents Food Store #125, 1821 N. Elk Vale Rd for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from Shooters Inc. DBA Shooters Wood Fire Grill (Inactive), 2424 West Main Street
- 46. Moyle Petroleum Company DBA Sheridan Lake Common Cents #105, 2808 Sheridan Lake Rd, for a Retail (on-off sale) Wine and Cider license
- 47. Naja Shrine Temple for a SPECIAL EVENT On-Sale Malt Beverage license for an event scheduled for September 28, 2019 at Rapid City Shrine Center, 4091 Sturgis Road
- 48. Rapid City Catholic School System for a SPECIAL EVENT On-sale Malt Beverage license, On-sale Wine license and off-sale package wine license for an event scheduled for December 6, 2019.
- 49. Sheree Schriver DBA Jambonz Deux, 740 Mt. View Road for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and Retail (on-off sale) Wine and Cider license TRANSFER from Sheree Schriver DBA Jambonz Deux, 516 7<sup>th</sup> Street
- 50. First National Bank Rapid City DBA Ramada Hotel & Suites F&B, 1902 N. LaCrosse Street for a Retail (on-sale) Liquor license TRANSFER from LaCrosse Hospitality Management LLC DBA Ramada, 1902 N LaCrosse Street

**Assessment Rolls (NONE)**

***Other Items Requiring Public Hearings (NONE)***

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 51 – 53

51. No. 19RZ027 - Second Reading, Ordinance 6353, 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 Commercial District to Office Commercial District for property generally described as being located northwest of Jaffa Garden Way.

**Recommendation: Approve**

52. No. 19RZ028 - Second Reading, Ordinance 6354, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for Community Enhancement LLC II for a Rezoning Request from General Commercial District to Office Commercial District for property generally described as being located south of Jaffa Garden Way.

**Recommendation: Approve**

53. 19VR003 - Airport Addition - Deny Resolution 2019-058 - A request by Fisk Land Surveying and Consulting Engineers, Inc for David Ritter to consider an application for a Vacation of Right-of-Way for that portion of Wood Avenue right-of-way adjoining Blocks 11 and 12 of Airport Addition, located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located within Wood Avenue lying south of Knollwood Drive.

**Recommendation: Deny Resolution**

**EXECUTIVE SESSION** - To consult with legal counsel regarding proposed or pending litigation pursuant to SDCL 1-25-2(3).

**BILLS**

54. No. CC091619-01 – Bill List for September 16, 2019

**ADJOURN**