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, November 18, 2019, at 6:30 P.M.

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

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Wade Nyberg, Police Chief Karl Jegeris, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, Planning Manager Vicki Fisher, Public Works Director Dale Tech, Fire Chief Rod Seals, Long Range Planner Sarah Hanzel and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA
Motion was made by Armstrong, second by Lewis and carried to adopt the agenda.

PRESENTATION
Scott Engmann, Executive Director of Black Hills Area Habitat for Humanity spoke on the Garfield Green Project. Darla Drew spoke about her trip to the Sister City (Nikko, Japan).

NON-PUBLIC HEARING ITEMS -- Items 3 – 40
CONSENT ITEMS – Items 3 – 29
No items were removed from the Consent Items.

Approve Minutes
3. Approve Minutes for the November 4, 2019 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (December 2, 2019)
4. Wobbly Bobby British Pub LLC DBA Wobbly Bobby British Pub, 510 Main Street, for a Retail (on-off sale) Malt Beverage and SD Farm Wine license

Alcohol Beverage License Application 2020 Renewal Set for Hearing (December 2, 2019)
5. Dakota Point Brewing LLC, 405 Canal St Ste. 1200, DBA Dakota Point Brewing, 405 Canal St Ste. 1200, for a Retail (on-off sale) Wine and Cider license renewal

Public Works Committee Consent Items
6. PW111219-03: Approve Change Order 1 F to Dakota Barricade, LLC. for 2019 Lane Line Painting, Project #19-2496/CIP 50594 for a decrease of $2,602.78.
7. PW111219-04: Approve Change Order 1 F to Complete Concrete for West Chicago Utilities Reconstruction, Project #12-2022/CIP 50448 for an increase of $9,393.70.
8. PW111219-05: Authorize Staff to Advertise Bids for Pavement Rehabilitation Project - Summerset Area Project No. 18-2478 / CIP No. 50844. Estimated Cost $450,000.00
9. PW111219-06: Authorize staff to advertise for bids for Concrete Panel Repair Project at 5th Street and at Healing Way, Project No. 19-2542 / CIP 50445 for $55,000.
10. PW111219-07: Authorize Mayor and Finance Office to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. (AE2S) for Professional Engineering Services for Analysis of Federal Emergency Management
Agency (FEMA) Special Flood Hazard Area (SFHA) Meade/Hawthorne Drainage Basin, Project Number 18-2458, CIP 51190.

11. PW111219-08: Authorize Mayor and Finance Officer to Sign a revised Amendment to Agreement Number 614730 with the State of South Dakota Department of Transportation for cost-sharing and property transfers between the City and the State for City project W. Omaha Street Utilities – Sheffer Street to 12th Street, Project No. 16-2099 / CIP 50904, State projects P 0231(13)79 PCN 03CP, NH 0044(167)44 PCN 027K and P 00445(00) PCN 06WX. This supersedes Agreement approved at the 10/7/2019 City Council Meeting.

12. PW111219-09: Authorize Mayor and Finance Officer to Sign a Mutual Access Easement and Parking Agreement with 2020 West Omaha LLC.

13. PW111219-10: Authorization to sign Covenant agreement between the City of Rapid City and Deborah Steele and Harold Steele allowing connection to City water system.


15. PW111219-12: Approve Change Order No. 3 to Simon Contractors of SD for Parks and Rec 2019 Asphalt Paving Project No. PR19-6166, for an increase of $33,145.64, and to extend the contract time by 198 days for a new project completion date of May 15, 2020.

16. PW111219-13: Authorize staff to solicit Proposals for an Annual Fireworks Display in Rapid City, South Dakota.

Legal & Finance Committee Consent Items

17. LF111319-02 – Confirm the New Appointment of Valeriah Big Eagle to Fill the Unexpired Term of Hayley Brooks to the MARC Board, Also Known as the Journey Museum Board of Directors

18. LF111319-07 – Authorize Staff to Purchase One 2020 Dodge Ram 1500 Extended Cab, Short Box Pickup Truck in the Amount of $23,906.09 for the City Hall Maintenance Department


Resolution No. 2019-087
RESOLUTION WRITING OFF UNCOLLECTABLE AMBULANCE BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain ambulance billing accounts, shown on Appendix A, attached, and totaling $790,207.06 are uncollectible; and

WHEREAS, It is necessary to relieve the accounts receivable of the City of Rapid City for these accounts.

NOW, THEREFORE BE IT RESOLVED, by the City of Rapid City, that the City Finance Officer be directed to remove such accounts from the active receivable of the City, said accounts being detailed in the official files of the City Finance Office.

Dated this 18th day of November, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
20. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Haleigh Timmer (Library)

21. LF111319-06 – Approve Resolution No. 2019-088 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2019-088
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 18th day of November, 2019.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

22. LF111319-08 – Authorize the Mayor and Finance Officer to Sign Renewal Ready Subscriber Agreement with Black Hills Power, Inc., dba Black Hills Energy

23. LF111319-09 – Acknowledge September 2019 Sales Tax Report

24. LF111319-10 – Approve the Addition of Suspension and Debarment Policies and Procedures to the City’s Uniform Grant Guidance Policies/Procedures.

25. LF111319-12 – Approve Rapid Transit System (RTS) Procurement Policy per Federal Transit Administration Regulations.

Community Development Consent Items

26. LF111319-04 – Authorize the Mayor and Finance Officer to Sign the FY2020 Performance Contract for the City of Rapid City and Black Hills Council of Local Governments (BHCOLG)

27. LF111319-05 – Authorize the Mayor and Finance Officer to Sign Funding Approval/Agreement for FY2019 Community Development Block Grant Funding

28. LF111319-11 – Authorize the Mayor and Finance Officer to Sign First Amendment to Contract for Construction of Public Improvements Through Private Developer for Tax Increment District Number Seventy-Eight.

Bid Award Consent Items

29. No. CC111819-02.1 – Approve award of total bid for Downtown Lighting, Project No. 19-2500 / CIP No. 51228 opened on November 12, 2019 to the lowest responsible bidder, Swiftec Inc. in the amount of $808,900.00.
END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 30 – 40
Mike Derby, Rachel Caesar and Eirik Heikes all spoke in favor of item (19OA007). The ordinance would allow for accessory dwelling units in residential districts by amending Title 17 of the Rapid City Municipal Code. Kale McNaboe spoke on behalf of Longbranch Civic Engineering, Inc. he asked that the exception for the driveway be granted.

Ordinances
Ordinance 6367 (LF103019-01) Regarding Supplemental Appropriation #7 for 2019. Having passed its first reading on November 4, 2019 motion was made by Drew, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Lewis, Modrick, Evans, Armstrong, Roberts, and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6367 was declared duly passed upon its second reading.

Ordinance 6368 (No. 19RZ038) an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Renner Associates, LLC for Lilac Flowers LLC for a Rezoning request from General Agricultural District to Light Industrial District for property generally described as being located southwest of the intersection of North Plaza Boulevard and Wesleyan Boulevard. Motion was made by Lewis, second by Roberts and carried that Ordinance 6368 be placed upon its first reading and the title was fully and distinctly read and second reading set for December 2, 2019.

Ordinance 6372 (PW111219-01) an Ordinance To Amend Chapter 10.48 Of The Rapid City Municipal Code Relating To Parking During Snow Removal. Motion was made by Drew, second by Armstrong and carried that Ordinance 6372 be placed upon its first reading and the title was fully and distinctly read and second reading set for December 2, 2019. Tech explained the amendment. Motion carried.

Ordinance 6371 (LF111319-01) Regarding Supplemental Appropriation #8 for 2019. Motion was made by Lewis, second by Lehmann and carried that Ordinance 6371 be placed upon its first reading and the title was fully and distinctly read and second reading set for December 2, 2019.

Ordinance 6363 (19OA007) A request by the City of Rapid City to consider an application for an Ordinance Amendment to Allow for Accessory Dwelling Units in Residential Districts by Amending Title 17 of the Rapid City Municipal. Sarah Hanzel gave a brief presentation regarding the ordinance. She said there is no current code today regarding these structures. This would give the city the opportunity to work toward housing goals. Motion was made by Lewis, second by Modrick that Ordinance 6363 be placed upon its first reading and the title was fully and distinctly read and second reading set for December 2, 2019. In response to a question from Drew, Hanzel said the houses in the historic district have extra criteria that will be reviewed. The ADU has to have a separate eating, sleeping and sanitation area and be on permanent foundation, to be considered. When there is an ADU present on the property, one of the homes has to be owner occupied. There is a minimum of 28-day occupancy. Each ADU will be registered with the city. Lewis, Drew, Evans, Strommen and Roberts all spoke in favor of the ordinance. Nyberg explained sales tax would not be collected for stays longer than 28 days. Motion carried 9-0.

Public Works Committee Items
Roberts read in item (PW111219-02) Request from Longbranch Civil Engineering, Inc. for an exception to the driveway width requirement for a townhouse with a setback greater than thirty feet, per the Infrastructure Design Criteria Manual. Motion was made by Lewis, second by Modrick to approve the exception. In response to a question from Lewis, McNaboe said the house was originally moved back to accommodate the drainage easement. In response to a question from Evans, Tech gave input on the item. Motion carried 9-0.
Community Development Items
Mayor read in item (No. 19PL082) A request by KTM Design Solutions, Inc. for Justin Henrichsen for a Preliminary Subdivision Plan for proposed Lot D of Lot 3A and Lot D of Lot 3B of Marshall Subdivision, generally described as being located northwest of the intersection of Glendale Street and Homestead Street. Motion was made by Nordstrom, second by Lehmann to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed lots as Lot A and B or Lots 1 and 2 of Marshall Subdivision #2. 2. If a turnaround is proposed along Glenside Drive, then it shall be located to the north lot line of proposed Lot D of Lot 3B, secured within an access easement and constructed in compliance with Figure 2-8 of the Infrastructure Design Criteria Manual; 3. Upon submittal of a Final Plat application, a Covenant Agreement shall be submitted for recording requiring that new residential structure(s) be fire sprinkler protected; 4. Upon submittal of a Final Plat application, the plat document shall show the dedication of 10 additional feet of right-of-way along Glenside Street and one additional foot of right-of-way along Homestead Street; and, 5. Upon submittal of a Final Plat application, a copy of the approved Exceptions shall be submitted. The street name of Glendale Street was corrected and read into the minutes as Glenside Street.

Mayor read in item (No. 19PL088) A request by Renner Associates, LLC for School House LLC for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Pioneer Subdivision No. 3, generally described as being located at 9340 Clarkson Road. Motion was made by Nordstrom, second by Drew to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to remove the proposed Vacation of Right-of-Way or the right-of-way shall be vacated through Pennington County and the recording number identified on the plat prior to submittal of a Final Plat application; 2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the existing overhead powerline located within an existing easement or, including the recording information, or a utility easement shall be dedicated on the plat; 3. Upon submittal of a Development Engineering Plan application, the property owner’s certificate shall be revised to identify Larry Teuber signing as a member of School House, LLC; 4. Upon submittal of a Final Plat, a signed covenant agreement for fire sprinkler protection shall be submitted for review and approval and recording with the Final Plat document; and, 5. Upon submittal of a Final Plat, a Wildland Fuels Mitigation Plan shall be approved.

Mayor read in item (No. 19PL089) A request by Fisk Land Surveying & Consulting Engineers, Inc. for Keiz Larson for a Preliminary Subdivision Plan for proposed Lot 5 of Block 3 of Dunham Estates, generally described as being located west of the intersection of Heideway Court and Heideway Lane. Motion was made by Strommen, second by Lehmann to approve with the following stipulations: Staff recommends that the Preliminary Subdivision Plan be approved with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Heideway Lane shall be submitted for review and approval showing the street constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place 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; 2. 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. In particular, the water plans shall include the extension of a water main to serve the proposed lot. The design report shall also 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; 3. 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 also 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, easements shall be provided as needed; 4. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development
Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 6. Prior to submittal of a Final Plat application, the property shall be rezoned to Low Density Residential District; 7. 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, 8. 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. 19PL092) A request by Renner Associates, LLC for Lilac Flowers LLC for a Preliminary Subdivision Plan for proposed Tract T of Fountain Springs Business Park, generally described as being located southwest of the intersection of North Plaza Boulevard and Wesleyan Boulevard. Motion was made by Nordstrom, second by Strommen to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to address redline comments. In addition, the redline comments shall be returned with the Final Plat application; 2. Prior to submittal of a Final Plat application, a revised Master Plan identifying street extensions and right-of-way dedications in accordance with the City’s Major Street Plan shall be submitted for review and approval.

2020 Alcoholic Beverage License Renewals (Item 40, A-FFF = 58 licenses)

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<td>RW-26019</td>
<td>BLACK HILLS FLOORING LLC</td>
<td>BLACK HILLS FLOORING</td>
<td>333 OMAHA ST STE 1</td>
</tr>
<tr>
<td>WW</td>
<td>RW-26506</td>
<td>AXE IT OUT LLC</td>
<td>AXE IT OUT</td>
<td>811 DISK DR STE 6</td>
</tr>
<tr>
<td>XX</td>
<td>RW-6458</td>
<td>S &amp; Y INC</td>
<td>GOLDEN PHOENIX RESTAURANT</td>
<td>2421 W MAIN ST</td>
</tr>
<tr>
<td>YY</td>
<td>RW-6541</td>
<td>BOTTICELLIS RISTORANTE ITALIANO INC</td>
<td>BOTTICELLIS RISTORANTE ITALIANO</td>
<td>523 MAIN ST</td>
</tr>
<tr>
<td>ZZ</td>
<td>RW-6596</td>
<td>MUSEUM ALLIANCE OF RAPID CITY INC</td>
<td>THE JOURNEY MUSEUM</td>
<td>222 NEW YORK ST</td>
</tr>
<tr>
<td>AAA</td>
<td>RW-7507</td>
<td>ENI TULISTIYA</td>
<td>HANA RESTAURANT</td>
<td>3550 STURGIS RD</td>
</tr>
<tr>
<td>BBB</td>
<td>RW-7547</td>
<td>TRIFECTA GROUP LLC</td>
<td>DELMONICO GRILL</td>
<td>609 MAIN ST</td>
</tr>
<tr>
<td>CCC</td>
<td>RW-7557</td>
<td>LATE HARVEST INC</td>
<td>TALLY’S SILVER SPOON</td>
<td>530 6TH ST</td>
</tr>
<tr>
<td>DDD</td>
<td>RW-7591</td>
<td>SOMEONES IN THE KITCHEN INC</td>
<td>SOMEONES IN THE KITCHEN</td>
<td>2210 HAINES AVE</td>
</tr>
<tr>
<td>EEE</td>
<td>RW-26631</td>
<td>MOYLE PETROLEUM COMPANY</td>
<td>SHERIDAN LAKE COMMON CENTS #105</td>
<td>2808 SHERIDAN LAKE RD</td>
</tr>
<tr>
<td>FFF</td>
<td>Inactive PL-4782</td>
<td>NASH-FINCH COMPANY</td>
<td>FAMILY FARE #253</td>
<td>1516 E ST PATRICK ST</td>
</tr>
</tbody>
</table>

Mayor read in item 40 regarding 2020 alcohol beverage license renewals. Motion was made by Lewis, second by Armstrong and carried to approve Item 40, A-FFF.

**PUBLIC HEARING ITEMS** – Items 41 – 49
Vince Baker, General Manager of Arrowhead Country Club, addressed the council. He said he was there if the council had any questions.

**CONSENT PUBLIC HEARING ITEMS** – Items 41 – 46
Alcohol Licenses
41. Hartmann Enterprises LLC DBA Stoney Creek Wine & Spirits, 5509 Bendt Drive Suite 305 for a Package (off-sale) Liquor License (Inactive) TRANSFER from Hartmann Enterprises LLC DBA Time Square Liquor, 13 New York Street
42. Smith’s Liquor Gallery Inc. DBA Smith’s Liquor Gallery, 2218 Jackson Blvd Suite 1, for a Package Delivery license.
43. Arrowhead Country Club DBA Arrowhead Country Club, 3675 Sheridan Lake Road, for a Retail (on-off sale) Wine and Cider license
44. Lucky Duck Casino Inc. DBA Lucky Duck Inc., 6639 Wellington Drive, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License TRANSFER from Dave and Linda Handley DBA Hot Spot Casino, 420 E St. Patrick Street #107
45. Staple and Spice Market LLC DBA Staple and Spice Market, 601 Mt. Rushmore Road for a Retail (on-off sale) Wine and Cider license
46. Staple and Spice Market LLC DBA Staple and Spice Market, 601 Mt. Rushmore Road for a Retail (on-off sale) Malt Beverage and SD Farm Wine License TRANSFER from Staple and Spice Market Inc. DBA Staple and Spice Market, 601 Mt. Rushmore Road

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

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 47 – 49
Mayor read in item (No. 19RZ035) Ordinance 6364, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by AAB Engineering, LLC for Rupe Helmer Group for a Rezoning request from General Agricultural District to General Commercial District for property generally described as being located east of Haines Avenue just north of Kathryn Avenue. Drew expressed concern over losing ecosystems. Roberts stated wetlands aren’t going anywhere. Having passed its first reading on November 4, 2019 motion was made by Lewis, second by Lehmann that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6364 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ036) Ordinance 6365, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for G & G Investments, LLP for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located north of Degeest Drive. Having passed its first reading on November 4, 2019 motion was made by Roberts, second by Modrick that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6365 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ037) Ordinance 6366, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for G & G Investments, LLP for a Rezoning request from General Commercial District to Medium Density Residential District for property generally described as being located north of Neel Street. Having passed its first reading on November 4, 2019 motion was made by Nordstrom, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6366 was declared duly passed upon its second reading.

BILLS
The following bills have been audited:
Sumption presented the bill list of $6,378,301.32. Motion was made by Lewis, second by Lehmann and carried to authorize (No. CC111819-01) 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 Roberts, second by Lewis and carried to adjourn the meeting at 8:22 p.m.

Dated this 18th day of November, 2019.