

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

February 18, 2020

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at City Hall in Rapid City, South Dakota on Tuesday, February 18, 2020, 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, Bill Evans, Darla Drew, John Roberts and Becky Drury; the following Alderpersons arrived during the course of the meeting: NONE; and the following were absent: NONE

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, Public Works Director Dale Tech, Fire Chief Rod Seals, and Administrative Coordinator Heidi Weaver-Norris.

**ADOPTION OF AGENDA**

Motion was made by Armstrong, second by Drury and carried to adopt the agenda.

**PRESENTATION**

Sean Minkel, Library Technician, gave a presentation on the Library Makerspace. The library provides many services. Their staff has been taught on many different resources the library provides. They are always willing to teach and help the community use these resources.

**NON-PUBLIC HEARING ITEMS** -- Items 2 – 43

**CONSENT ITEMS** – Items 2 – 36

Motion was made by Lewis, second by Armstrong and carried to approve items 2-36.

***Approve Minutes***

2. Approve Minutes for the February 3, 2020 Regular Council meeting.

***Vacations of Right-Of-Way Set for Hearing (March 16, 2020)***

3. No. 20VR002 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for OneHeart for a Vacation of Right-of-Way for property generally described as being located 201 and 217 Kansas City Street and 216, 218 and 230 Quincy Street.
4. No. 20VR003 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Calvary Baptist Church for a Vacation of Section Line-Highway for property generally described as being located 4601 Mount Rushmore Road.

***Alcoholic Beverage License Applications Set for Hearing (March 2, 2020)***

5. Rapid City Elks Golf and Event Center Inc. DBA Rapid City Elks Golf and Event Center Inc., 3333 E. 39<sup>th</sup> Street for a Retail (on-sale) Liquor License TRANSFER from Rapid City Elks Club DBA Elks Lodge #1187, 3333 E 39<sup>th</sup> Street
6. Elizabeth Frederick DBA Joe's Place Bar & Grill, 4302 Pendleton Drive for a Retail (on-sale) Liquor License (Inactive) TRANSFER from Dakota Wingmen LLC DBA Native New Yorker Grill & Wings, 1756 Eglin Street
7. Main Street Market Inc. DBA Main Street Market, 333 Omaha Street Suite 2, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license

***Public Works Committee Consent Items***

8. PW021120-01: Request Authorization For Mayor And Finance Officer To Sign Professional Services Agreement Or Amendment With Ferber Engineering Company For Omaha Street Utility Reconstruction – Sheffer St To 12th Street Project No. 16-2099/CIP 50904 In The Amount Of \$82,310.00
9. PW021120-02: Authorize Mayor and Finance Office to Sign Amendment No. 1 to the Agreement between the City of Rapid City and FMG Engineering for Professional Engineering Services for Perrine and Unnamed Tributary Drainage Basin Design Plans (DBDPs) Amendment – Phase 2, Project Number 18-2430, CIP 51189.2, in the amount of \$24,384.00
10. PW021120-03: Request Authorization for Mayor and Finance Officer to sign Professional Services Agreement Amendment with Architecture Incorporated for Fitzgerald Stadium Renovations Project No. 19-2508 CIP #51231 for an increase amount not to exceed \$256,438.00.
11. PW021120-17: Request to purchase approximately 113,450 sf of synthetic turf for Fitzgerald Stadium Renovation Project No 19-2508 / CIP 51231 through Sourcewell Contract #060518-FTU, amount not to exceed \$500,000.
12. PW021120-04: Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and FMG Engineering for Rapid City Landfill Stormwater Plan – Project No.20-2568 / CIP No. 51274, for an Amount not to Exceed \$53,290.00.
13. PW021120-05: Authorize Mayor and Finance Office to Sign an Agreement between the City of Rapid City and Ferber Engineering Company for Professional Engineering Services for FEMA LOMR – Southeast and Truck Bypass Drainages, Project No. 20-2569/ CIP No. 51275 in the amount of \$43,570.00
14. PW021120-06: Request to Purchase one (1) New 2020 Jeep Compass 4X4 SUV from Liberty Super Stores in the amount of \$24,299.
15. PW021120-07: Approve Request from Security First Bank for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Catron Boulevard and Mount Rushmore Road for the property located at 1919 Hope Court.
16. PW021120-08: Approve Request from Hollie Bergeron for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 C along the frontage of 5424 Timberline Trail when applying for a Building Permit to build a garage on 5424 Timberline Trail..
17. PW012820-05: Authorize Mayor and Finance Officer to sign an agreement between the City of Rapid City and FMG Engineering, Inc. for Engineering Services for 2019 Fill Progression Survey and Annual Solid Waste Reporting, Project #: 20-2567/CIP #: 51273
18. PW021120-09: Authorize Mayor and Finance Officer to sign an agreement between the City of Rapid City and AET, Inc. for Engineering Services for 2020 Annual Renewal Environmental Monitoring, Project#: 20-2570/ CIP #: 51277
19. PW021120-10: Authorize Mayor and Finance Officer to sign amendment #2 between the City of Rapid City and HDR Engineering, Inc. for Professional Services for Rapid City Water Reclamation Facility Digester MCC and UV/Admin. Transfer Switch Replacement, Project Number: 19 – 2485 / CIP #51216 in the amount of \$13,709.00.
20. PW021120-11: Authorize staff to advertise for bids for Oxygen Tank and Supply at the Elk Vale Lift Station. Estimated Cost \$170,000.
21. PW021120-12: Approve Extension of Contract with SNF Polydyne for Purchase of Cationic Sludge Polymer for the Water Reclamation Facility. The extended price is \$1.28/lb with an estimated annual expenditure of \$76,800.00 for 60,000lbs.
22. PW021120-13: Request to Purchase one (1) New 2020 Dodge Ram 1500 4X4 Long Box Pick-up Truck. Liberty Super Stores will match the State Contract #17345 in the amount of \$25,442.00.
23. PW021120-18: Request to Purchase one (1) New 2020, Dodge Ram 3500 4X4 Long Box Pick-up Truck. Liberty Super Stores will match the State Contract #17345 in the amount of \$29,660.48
24. PW021120-14: Authorize staff to advertise for two (2) Dial-A-Ride vehicles. Estimated cost \$200,000.
25. PW021120-15: Authorize staff to advertise for bids for Water Slide Resurfacing Project PR20-6175, in the approximate amount of \$100,000.

- 26. PW021120-16: Authorize Staff to Purchase a 2020 John Deere 310SL with a Trade-In of a 2002 John Deere 310G from RDO Equipment Co. with Sourcewell Contract #032515-JDC in the Amount of \$77,773.30.

**Legal & Finance Committee Consent Items**

- 27. LF021220-07 – Authorize Mayor and Finance Officer to Sign and Accept if Awarded the State Victims of Crime Act (VOCA) Grant.
- 28. LF021220-08 – Authorize Mayor and Finance Officer to Sign and Accept if Awarded the 2020 Community Oriented Policing (COPS) Cops Hiring Program (CHP) Grant
- 29. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: John Goff (Library)
- 30. LF021220-01 – Approve Resolution No. 2020-007 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2020-007

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:

**From: FIRE (202)**

For Deletion (Donation) :  
 1994 Ford F-350 Brush Truck  
 VIN# 1FDKF38G4REA18474

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 18<sup>th</sup> day of February, 2020.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:

s/ Pauline Sumption  
 Finance Officer  
 (SEAL)

- 31. LF021220-02 – Authorize Mayor and Finance Officer to Sign Amended Renewal Ready Subscriber Agreement with Black Hills Power, Inc., dba Black Hills Energy
- 32. LF021220-04 – Approve Resolution No. 2020-012 a Resolution Declaring Miscellaneous Personal Property Surplus

Resolution #2020-012

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:

From: Police (201)

For Deletion (Crush) :

2014 DODGE CHARGER  
VIN# 2C3CDXKT3EH371453

2011 FORD CROWN VICTORIA  
VIN# 2FABP7BV4BX112171

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 18<sup>th</sup> day of February, 2020.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer  
(SEAL)

- 33. LF021220-05 – Approve Resolution No. 2020-013 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2020-013  
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 18<sup>th</sup> day of February, 2020.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer  
(SEAL)

34. LF021220-06 – Approve Request for Property Tax Abatement as Follows: Erik Herrera, 2019, \$394.80 [Combined Total for all Rapid City: \$394.80].
35. LF021220-03 – Approve Property Owner Request to Waive Entire Assessment for 4128 Prairie View Drive

***Bid Award Consent Items***

36. CC021820-02.1 - Acknowledge SDDOT bid award and authorize Mayor and Finance Officer to sign contract for West Omaha Street Utilities Sheffer Street to 12th Street, Project No. 16-2099 / CIP No. 50904 opened on February 5, 2020 to the lowest responsible bidder, Heavy Constructors, Inc. in the amount of \$998,775.00.

END OF CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 37 – 43

***Ordinances***

Mayor read in item (LF012920-02) Second Reading of Ordinance No. 6387, Regarding Supplemental Appropriation #1 for 2020. Having passed its first reading on February 3, 2020 motion was made by Drew, second by Drury that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6387 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ039) Second Reading, Ordinance 6375, 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 Light Industrial District for property generally described as being located south of North Valley Drive. Having passed its first reading on January 21, 2020 motion was made by Modrick, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6375 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ041) Second Reading, Ordinance 6377, 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 111, LLC for a Rezoning request from Medium Density Residential District to General Commercial District for property generally described as being located west of the current terminus of E. Anamosa Street. Having passed its first reading on January 21, 2020 motion was made by Drew, second by Lehmann that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6377 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ042) Second Reading, Ordinance 6378, 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 11, LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located north of Homestead Street. Having passed its first reading on January 21, 2020 motion was made by Nordstrom, second by Modrick that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6378 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ043) Second Reading, Ordinance 6379, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Keiz Larson for a Rezoning request from General Agricultural District to Low Density Residential District for property generally described as being located west of the intersection of Heidiway Court and Heidiway Lane. Having passed its first reading on January 21, 2020 motion was made by Strommen, second by Armstrong that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, Roberts and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6379 was declared duly passed upon its second reading.

Mayor read in item (No. 19RZ044) Second Reading, Ordinance 6385, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Brent Hill for Seraphim Theatrical Entertainment, LLC for a Rezoning from Medium Density Residential District to General Commercial District for property generally described as being located at 1124 Kansas City Street. Having passed its first reading on January 21, 2020 motion was made by Drury, second by Armstrong that the title be read the second time. Roberts asked to abstain. Sumption stated the church was going to remain a religious entity and they are also considering allowing theatrical events there as well. Upon vote being taken, the following voted AYE: Lehmann, Drury, Nordstrom, Lewis, Modrick, Evans, Armstrong, Drew, and Strommen. NO: None; Roberts abstained. Whereupon, the Mayor declared the motion passed and Ordinance 6385 was declared duly passed upon its second reading.

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

No. 20PL001 - A request by KTM Design Solutions, Inc. for Alta Terra Development for a Preliminary Subdivision Plan for proposed Lots 3 and 4 of Block 1 of Moon Meadows Park Subdivision, generally described as being located north of Moon Meadows Drive. Motion was made by Modrick, second by Roberts to approve with the following stipulations: 1. Upon submittal of a Final Plat application, the plat document shall show the dedication of all necessary easements; and, 2. Upon submittal of a Final Plat application, the plat document shall show the name of the subdivision as "Moon Meadows Park Subdivision" in lieu of "Moon Meadows Subdivision".

### **PUBLIC HEARING ITEMS** – Items 44 – 47

### **CONSENT PUBLIC HEARING ITEMS** – Item 44 – 47

### ***Alcohol Licenses***

44. Knights of Columbus for a SPECIAL EVENT On-Sale malt beverage license and On-Sale wine license for an event scheduled for February 21, 2020 at Blessed Sacrament Church, 4500 Jackson Blvd
45. Working Against Violence Inc. WAVI for a SPECIAL EVENT Off-Sale package wine license for an event scheduled for March 28, 2020 at Best Western Ramkota, 2111 N. LaCrosse Street
46. Adelaide Inc. DBA Juniper for a Retail (on-off sale) Wine and Cider license and a Retail (on-off sale) Malt Beverage & SD Farm Wine license at 405 Canal Street, Suite 1300

### ***Other Items Requiring Public Hearings***

47. LF021220-09 – Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Black Hills Federal Credit Union for Exchange of Real Property

Motion was made by Armstrong, second by Lehmann and carried to approve items 44-47.

END OF CONSENT PUBLIC HEARING CALENDAR

### **NON-CONSENT PUBLIC HEARING ITEMS** – (NONE)

**EXECUTIVE SESSION**

Mayor read in Executive Session to discuss the qualifications, competence, performance, character, or fitness of a public officer pursuant to SDCL 1-25-2(1). Motion was made by Modrick, second by Roberts and carried to go into executive session at 6:52 p.m. Modrick left executive session and returned to council chambers at 8:05 p.m. Motion was made by Armstrong, second by Lewis and carried to come out of executive session at 8:37 p.m. with all members present and Modrick seated in the audience.

**STAFF DIRECTION**

Motion was made by Armstrong, second by Roberts to schedule a public hearing for Tuesday, March 10, 2020 at 1:30 p.m. regarding a Code of Conduct complaint against Alderwoman Lisa Modrick.

**BILLS**

The following bills have been audited:

**BILL LIST - FEBRUARY 18, 2020**

P/ROLL PERIOD END 02/01/20, PD 02/07/20	1,899,374.83
CDEV P/ROLL PERIOD END 02/01/20, PD 02/07/20	3,863.33
PIONEER BANK & TRUST, 02/01/20 P/ROLL TAXES, PD 02/07/20	485,681.83
CDEV PIONEER BANK & TRUST, 02/01/20 P/ROLL TAXES, PD 02/07/20	947.26
WELLMARK INC, HEALTH CLAIMS THROUGH 01/24/20, PD 01/30/20	155,842.94
WELLMARK INC, HEALTH CLAIMS THROUGH 02/07/20, PD 02/13/20	197,629.11
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/03/20, PD 02/04/20	8,014.80
WAGE WORKS, SECTION 125 CLAIMS THROUGH 02/10/20, PD 02/11/20	6,006.79
SOUTH DAKOTA RETIREMENT SYSTEM, JAN20 RETIREMENT, PD 02/06/20	479,879.04
RISK ADMINISTRATION SVCS INC, WORK COMP CLAIMS THROUGH 2/12/20, PD 02/13/20	873.83
SD DEPT OF LABOR-REEMPLOYMENT ASSISTANCE BENEFIT CHARGES, PD 02/04/20	10,540.00
PATRICIA CROYLE, REHAB ESCROW LOAN REFUND	12.27
BERKLEY ASSIGNED RISK SERVICES, JAN20 CLAIMS, PD 02/10/20	28,828.81
BLACK HILLS ENERGY, ELECTRICITY, PD 02/11/20	37,257.77
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 02/11/20	23,720.54
COMPUTER BILL LIST,	6,599,995.92
CDEV COMPUTER BILL LIST	108.67
SUBTOTAL	9,938,577.74
RSVP, P/ROLL PERIOD END 02/01/20, PD 02/07/20	1,447.13
RSVP, PIONEER BANK & TRUST, 02/01/20 P/ROLL TAXES, PD 02/07/20	412.31
RSVP, COMPUTER BILL LIST	19.54
TOTAL	9,940,456.72

Sumption presented the bill list of \$9,940,456.72. Motion was made by Drury, second by Nordstrom and carried to authorize (No. CC0218620-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

Mayor stated that the March 2, 2020 and March 16, 2020 city council meetings, as well as, the March 10, 2020 Special Council meeting would be held at Western Dakota Tech and the meetings would be audio only. He indicated that if any locations change, the public would be notified.

**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 8:39 p.m.

Dated this 18th day of February, 2020.

ATTEST:

CITY OF RAPID CITY

\_\_\_\_\_  
Finance Officer

\_\_\_\_\_  
Mayor

(SEAL)