

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

March 2, 2020

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the Rushmore Plaza Civic Center in LaCroix Hall C and D in Rapid City, South Dakota on Monday, March 2, 2020, at 6:30 P.M.

The following members were present: The following Alderpersons: Ritchie Nordstrom, 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: Modrick; and the following were absent: Mayor Steve Allender

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Assistant Police Chief Don Hedrick, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, Public Works Director Dale Tech, Chief of Medical Operations Jason Culberson, and Administrative Secretary Angie Boeve

**ADOPTION OF AGENDA**

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

**AWARDS AND RECOGNITIONS**

Council President Armstrong and Community Development Director Ken Young recognized Jeanne Nicholson for her more than 28 years of service and congratulated her on retirement.

**NON-PUBLIC HEARING ITEMS** -- Items 2 – 31

**CONSENT ITEMS** – Items 2 – 29

The following item was removed from the Consent Items:

12. PW022520-06: Authorize staff to advertise bids for Woodlawn Dr. & Downing Street Sanitary Sewer Replacement, Project No. 15-2285 / CIP No. 50623. Estimated Cost: \$1,550,000.

Motion was made by Drury, second by Roberts and carried to approve items 2-29 with the exception of item 12.

***Approve Minutes***

2. Approve Minutes for the February 18, 2020 Regular Council meeting.

***Alcoholic Beverage License Applications Set for Hearing (March 16, 2020)***

3. Elevate Rapid City – Chamber Division for a SPECIAL EVENT On-Sale malt beverage license and On-Sale Wine license for an event scheduled for April 23, 2020 at RESPEC, 3824 Jet Dr.
4. Special Olympics Dakota for a SPECIAL EVENT On-Sale malt beverage license and On-Sale Wine license for an event scheduled for April 4, 2020 at Black Hills Harley Davidson, 2820 Harley Drive
5. Rodney Hanson DBA Lucky Duck Inc., 6639 Wellington Drive for a Retail (on-off sale) Malt Beverage & SD Farm Wine license with video lottery (Inactive) TRANSFER from Colonial House Inc. DBA Colonial House, 2315 Mount Rushmore Road
6. L & B Wine LLC DBA D'Vine Wine Bar for a Retail (on-off sale) Wine and Cider license and a Retail (on-off sale) Malt Beverage & SD Farm Wine license at 516 7<sup>th</sup> Street

***Public Works Committee Consent Items***

7. PW022520-01: Confirm the appointment of Anthony Marshall to the Parks & Recreation Advisory Board.

8. PW022520-02: Confirm the reappointments of Steve Malone and Jamie Stampe to the Building Board of Appeals.
9. PW022520-03: Authorize Mayor and Finance Officer to Sign a Joint Funding Agreement between U.S. Department of Interior, U.S. Geological Survey and City of Rapid City for 2020 Water Resource Investigations, CIP No. 51279. The City of Rapid City's share of the program is \$138,000.00.
10. PW022520-04: Approve Change Order #1 to Lind-Exec, Inc. for Gray Fox Ct and Fox Run Dr Storm Sewer Outfall Stabilization Project, Project #18-2444 / CIP NO. 51167 for an increase of \$75,069.63.
11. PW022520-05: Authorize Mayor and Finance Officer to Sign Contract amendment #1 for 2019 Citywide Geotechnical, Construction Materials QA/QC Services Project No. 18-2482 / CIP No. 50637 In the Amount of \$8,414.68
13. PW022520-07: Authorize Staff to Advertise for Bids for the Flormann Street Water Main Replacement Project, Mt Rushmore Road to Apollo Circle, Project No. 19-2512 / CIP 51235. Estimated Cost: \$800,000.
14. PW022520-08: Authorize Staff to Advertise Bids for East St. Cloud Inlay Project No. 19-2531 / CIP No. 51236. Estimated Cost \$135,000.00
15. PW022520-13: Approve Request from Joshua and Lindsey Wosepka for a Variance to Waive the Requirement to Install Sidewalk along Spring Brook Road, Rapid City, per City Ordinance 12.08.060.
16. PW022520-09: Authorize Mayor and Finance Officer to sign amendment 1 to an agreement between the City of Rapid City and FMG Engineering, Inc. for Engineering Services for Rapid City Landfill Cell #16 Final Cover, Project Number: 18 – 2448 / CIP No. 51202 in the amount of \$108,859.00.
17. PW022520-10: Authorize Request to purchase 2019 M4HSD Mechanical Sweeper from Sourcewell, Contract # 122017-GEP in the amount of \$250,109.00.
18. PW022520-11: Authorize extending contract awarded March 18, 2019 to Nebraska Grain and Salt Co. for Sodium Chloride for \$79.79 per ton for use by the Street Department.
19. PW022520-12: Authorize staff to Seek Proposals for Professional Services for the Water Risk and Resilience Assessment; Project No. 20-2575; CIP No. 51269. Estimated Cost: \$100,000

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

20. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Shannon Truax (RSVP+), Gary Holst (RSVP+)
21. LF022620-01 – Authorize Staff to Apply for and Accept if Awarded the Hazardous Materials Emergency Preparedness (HMEP) Grant for the Amount of \$27,000.00
22. LF022620-02 – Authorize Mayor and Finance Officer to Sign Engagement Letter with Addendum with Ketel Thorstenson, LLP for the FY2019 Audit
23. LF022620-03 – Approve Updated Travel and Training Regulations
24. LF022620-04 – Authorize Mayor and Finance Officer to Sign Estoppel Certificate, Consent and Agreement in Regards to Cortez, LLC Lease for Upper Level of the Parking Ramp
25. LF022620-05 – Acknowledge January 2020 General Fund Cash Balance Report
26. LF022620-06 – Approve Request for Property Tax Abatement as Follows: Scott Young, 2019, \$1,220.86; Diocese of Rapid City (Tax ID 37480), 2019, \$2,241.22; Diocese of Rapid City (Tax ID 37481), 2019, \$1,494.58; Diocese of Rapid City (Tax ID 34877), 2019, \$1,494.58; Diocese of Rapid City (Tax ID 37482), 2019, \$1,783.94 [Combined Total for all Rapid City: \$8,235.18] Added Items as of 02/24/20: Approve Request for Property Tax Abatement as Follows: City of Rapid City (Tax ID 35001), 2019, \$563.22; City of Rapid City (Tax ID 34997), 2019, \$753.54 [Combined total of two added items for City of Rapid City: \$1,316.76]  
[Combined Grand Total is \$9,551.94]

#### ***CIP Committee Consent Items***

27. CIP022120-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for February 2020.
28. CIP022120-01 – Approve CIP carry forward from 2019

**Community Development Consent Items**

29. 20TP010 – Approve the 2020 Unified Planning Work Program Amendment #20-01

## END OF CONSENT ITEMS

Council President read in item (PW022520-06) Authorize staff to advertise bids for Woodlawn Dr. & Downing Street Sanitary Sewer Replacement, Project No. 15-2285 / CIP No. 50623. Estimated Cost: \$1,550,000. Drew asked if this project would help with backups and drainage and what, if any, effect the construction would have on traffic flow for Anamosa Street? Tech confirmed it would help with known issues in the area and in addition, the storm sewer will be extended about one and half blocks. Motion was made by Nordstrom, second by Lehmann to approve, motion carried 10-0.

**NON-CONSENT ITEMS** – Items 30 – 31**Community Development Items**

Council President read in item (No. 20PL002) A request by Caekaert Construction for a Preliminary Subdivision Plan for proposed Lots 5A and 5B of Block 1 of Gemstone Subdivision, generally described as being located at 318 and 320 Topaz Lane. Motion was made by Modrick, second by Drury and carried to approve with the following stipulations: 1. Upon submittal of a Final Plat application, the plat document shall include a 6-foot wide exterior maintenance easement on either side of the common lot line; and, 2. Upon submittal of a Final Plat application, the plat document shall include the complete legal description of the property.

Council President read in item (No. 20PL007) A request by Davis Engineering, Inc. for Pink Cabin, LLC for a Preliminary Subdivision Plan for proposed Lots 32 thru 48 of Block 11, Lots 2 thru 11 of Block 13, Lots 1 thru 5 of Block 14 and Detention Cell Lot in Murphy Ranch Estates Subdivision, generally described as being located at the southern terminus of Knuckleduster Road and Black Powder Road. Motion was made by Lewis, second by Roberts and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, the construction plans and plat document shall show different street names for Ruger Loop and Winchester Court as approved by the Emergency Services Communication Center; 2. Prior to submittal of a Development Engineering Plan application, all redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Blackpowder Drive, a local street, 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 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, construction plans for Ruger Loop and Winchester Court, lane-place streets, shall be submitted for review and approval showing the streets located in a minimum 50-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb at the northern terminus Winchester Court being located in a minimum 104-foot diameter right-of-way and constructed with a minimum 84-foot diameter pavement 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; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition,

easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer in accordance with 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 addition, easements shall be provided as needed; 7. 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. The drainage report shall address storm water quantity control to pre-developed, historic rates and provide storm water quality treatment. In addition, easements shall be dedicated as needed; 8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required; 9. Upon submittal of a Development Engineering Plan application, a cost estimate for any required subdivision improvements shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, 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; 11. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed "Detention Cell Lot: In addition, any proposed drainage elements shall be secured within a Major Drainage Easement and the agreement shall include these elements to secure ownership and maintenance; 13. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

**PUBLIC HEARING ITEMS** – Items 32 – 35

**CONSENT PUBLIC HEARING ITEMS** – Items 32 – 34

***Alcohol Licenses – Items 32-34***

32. Rapid City Elks Golf and Event Center Inc. DBA Rapid City Elks Golf and Event Center Inc., 3333 E. 39th Street for a Retail (on-sale) Liquor License TRANSFER from Rapid City Elks Club DBA Elks Lodge #1187, 3333 E 39th Street
33. 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
34. 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

Motion was made by Lehmann, second by Strommen and carried to approve items 32-34.

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Item 35

No. 20VR001 – Approve Resolution 2020-003, A request by Fisk Land Surveying & Consulting Engineers, Inc. for Keiz Larson for a Vacation of a Section Line Highway Right-of-Way for property generally described as being located at the intersection of Heidiway Court and Heidiway Lane. Motion was made by Lewis, second by Strommen to approve, motion carried 10-0.

2020-003  
 RESOLUTION OF VACATION OF SECTION LINE RIGHT-OF-WAY

WHEREAS it appears that the Section Line Right-of-Way located in the NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the intersection of Heidiway Court and Heidiway Lane; is not needed for public purposes; and

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

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

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

Dated this 2<sup>nd</sup> day of March, 2020.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer

**BILLS**

The following bills have been audited.

BILL LIST - MARCH 2, 2020

P/ROLL PERIOD END 02/15/20, PD 02/21/20	2,019,108.41
CDEV P/ROLL PERIOD END 02/15/20, PD 02/21/20	3,863.33
SUPP P/ROLL PERIOD END 02/15/20, PD 02/25/20	702.96
PIONEER BANK & TRUST 02/15/20 P/ROLL TAXES, PD 02/21/20	499,693.18
CDEV PIONEER BANK & TRUST 02/15/20 P/ROLL TAXES, PD 02/21/20	945.89
PIONEER BANK & TRUST SUPP 02/15/20 P/ROLL TAXES, PD 02/25/20	98.92
SOUTH DAKOTA DEPARTMENT OF REVENUE JAN20 SALES TAX PAYABLE, PD 02/18/20	35,126.58
SOUTH DAKOTA DEPARTMENT OF REVENUE JAN20 EXCISE TAX PAYABLE, PD 02/18/20	276.31
SOUTH DAKOTA DEPARTMENT OF REV JAN20 CCTR SALES TAX PAYABLE, PD 02/18/20	18,393.53
WELLMARK INC HEALTH CLAIMS THROUGH 02/14/20, PD 02/20/20	202,550.59
WAGE WORKS SECTION 125 CLAIMS THROUGH 02/18/20, PD 02/18/20	10,297.65
WAGE WORKS SECTION 125 CLAIMS THROUGH 02/24/20, PD 02/25/20	9,289.43
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 02/19/20, PD 02/20/20	2,658.50
AR GROUP LLC TID39 ANAMOSA/AR GROUP, PD 02/25/20	4,005.79
BANK WEST TID47 TOWER RD, PD 02/25/20	19,957.65
BANK WEST TID54 RAINBOW RIDGE, PD 02/25/20	9,878.87
BANK WESTTID56 RUSHMORE CROSSING, PD 02/25/20	140,569.02
BANK WEST TID65 MINNESOTA ST, PD 02/25/20	13,623.62
BANK WEST TID70 CATRON BLVD, PD 02/25/20	51,084.43

**CITY COUNCIL**

**MARCH 2, 2020**

CITY OF RAPID CITY TID39 ANAMOSA/AR GROUP, PD 02/25/20	4,005.78
CITY OF RAPID CITY TID69 NORTH FIRE STATION, PD 02/25/20	313.01
FIRST INTERSTATE BANK TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 02/25/20	21,929.33
MARKET SQUARE LLC TID52 E ST CHARLES ST, PD 02/25/20	2,195.19
BLACK HILLS ENERGY ELECTRICITY, PD 02/24/20	24.75
MONTANA DAKOTA UTILITIES NATURAL GAS, PD 02/24/20	54,922.50
COMPUTER BILL LIST	2,522,542.49
CDEV COMPUTER BILL LIST	3,970.67
SUBTOTAL	5,652,028.38
RSVP P/ROLL PERIOD END 02/15/20, PD 02/21/20	1,447.13
RSVP PIONEER BANK & TRUST, 02/15/20 P/ROLL TAXES, PD 02/21/20	416.19
RSVP COMPUTER BILL LIST	18.83
TOTAL	5,653,910.53

Sumption presented the bill list of \$5,653,910.53. Modrick requested an explanation of what the Citizen Observer line item was. Sumption and Hedrick explained that it is the software for the anonymous tip line the police department uses. Motion was made by Roberts second by Drury and carried to authorize (No. CC030220-01) 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 Lewis, second by Strommen and carried to adjourn the meeting at 6:49 p.m.

Dated this 2nd day of March, 2020.

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Pauline Sumption  
 Finance Officer  
 (SEAL)