

**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, May 4, 2020**

**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. Travel Rally Day Proclamation

**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 2 – 51

**Open Public Comment** – Items 2 – 34 (3-minute time limit per speaker)  
**Close Public Comment**

**CONSENT ITEMS** – Items 2 – 34

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

***Approve Minutes***

2. Approve Minutes for the April 20, 2020 Regular Council meeting.
3. Approve Minutes for the April 27, 2020 Special Council meeting.

***Resolution to Approve TID No. 70 Project Plan Amendment #2 Set for Hearing (May 18, 2020)***

4. No. 20TI003 - A request by John Gomez for Alta Terra Development for a Resolution to approve TID No. 70 Project Plan Amendment #2 to reallocate project plan costs for property generally described as being located at Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision.

***Alcoholic Beverage License Applications Set for Hearing (May 18, 2020)***

5. Spiker Management LLC DBA La Vida Mexican Restaurant, 1001 E North Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from Fiesta Tequila Mexican Restaurant LLC, DBA Fiesta Tequila Mexican Restaurant, 1001 E North Street

***Public Works Committee Consent Items***

6. PW042820-01: Authorize Mayor and Finance Officer to Sign Settlement Agreement Between the City of Rapid City and BPRushmore, LLC

7. PW042820-02: Approve Change Order 2F to Lind-Exco, Inc. for Gray Fox Ct and Fox Run Dr Storm Sewer Outfall Stabilization Project, Project #18-244/CIP NO.51167 for a decrease of \$60,499.35.
8. PW042820-03: Approve Request From Property Owners John And Jody Van Beek For A Variance To Waive The Requirement To Install Sidewalk Along Happy Hollow Street And Horse Creek Road, Rapid City, Per City Ordinance 12.08.060.
9. PW042820-04: Authorize Mayor and Finance Officer to sign State of SDDOT Section 5307 Urban Public Transportation Matching Funds Agreement for \$30,783.97.
10. PW042820-05: Authorize Mayor and Finance Officer to sign Amendment #2 to TripSpark System Supply and Support Agreement in order to migrate Licensee's use of TripSpark PASS MON Software to TripSpark NOVUS MON Software.
11. PW042820-06: Authorize Mayor and Finance Office to Sign Amendment #3 to TripSpark Software License and Maintenance Agreement to migrate license from TripSpark PASS software to TripSpark NOVUS DR software and to increase TripSpark DriverMate software to an additional two (2) paratransit vehicles.
12. PW042820-07: Authorize Staff To Purchase Additional And Replacement Office Furniture From Evergreen Office Solutions, Pricing From State Contract # 16773 3 IFB 222 In The Amount Of \$46,730.08

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

13. LF042920-07 – Confirm the Appointments of Evan Thomas, Kathleen Burr, Patrick Jones, Carman Timmerman, Alan Dietrich, Chris Orr, Jared McEntaffer, Linda Lea Viken, Michael Hickey, Rick Kahler, Jason Green, Michael Nelson, Dave Kelley, Don Frankenfeld, Ed McLaughlin, Patrick Wyss, Rex Hagg, Tamara Pier, and Lynn Kendall to the Home Rule Charter Committee
14. LF042920-02 – Authorize Staff to Apply for and Accept if Awarded a Build Strong Grant
15. LF042920-03 – Authorize Staff to Apply for and Accept if Awarded a Public Assistance Grant
16. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Sharyl Jasper (RSVP+), George Vansco (RSVP+), Julie Vansco (RSVP+), Gloria Baken (RSVP+), Pamela Baum (RSVP+), Patty creek (RSVP+), Marlene Isburg (RSVP+), Glenda Nedved (RSVP+), Bob Oliver (RSVP+), Laura Oliver (RSVP+), Myrna Ragels (RSVP+), Jean Sagmoe (RSVP+), Hugo Schloe (RSVP+), Sherry Stodolski (RSVP+), Kimberly Tollison (RSVP+)
17. LF042920-01 – Authorize Mayor and Finance Officer to Sign Life Safety Loan Agreement Between Epiq Journey Enterprises, LLC and the City of Rapid City
18. LF042920-04 – Acknowledge FY2019 Annual Financial Report
19. LF042920-08 – Acknowledge February 2020 Sales Tax Report
20. LF042920-09 – Approve Resolution No. 2020-031 a Resolution Declaring Miscellaneous Personal Property Surplus to be Sold at City Auction
21. LF042920-10 – Approve Resolution No. 2020-033, A RESOLUTION AUTHORIZING THE ISSUANCE OF SALES TAX REVENUE REFUNDING BONDS OF THE CITY; PLEDGING A PORTION OF THE SALES TAX RECEIPTS OF THE CITY TO THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO APPROVE, EXECUTE AND DELIVER CERTAIN AGREEMENTS AND DOCUMENTS RELATING TO THE BONDS
22. LF042920-06 – Authorize Mayor and Finance Officer to Sign Addendum to Agreement with Risk Administration Services, Inc. to Cover Take-Over Claim Fees

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

23. No. CIP041720-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for April 2020.
24. No. CIP041720-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
25. No. CIP041720-04 – Approve Capital Plan for Fire Vehicles
26. No. CIP041720-05 – Approve Capital Plan for Parks & Recreation

- 27. No. CIP041720-06 – Approve Capital Plan for Information Technology
- 28. No. CIP041720-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
- 29. No. CIP041720-02 – Approve Capital Plan for PW Infrastructure

***Community Development Consent Items***

- 30. LF042920-05 – Authorize Mayor and Finance Officer to Sign the FY2020 Community Development Block Grant Contract for Pennington County Health & Human Services
- 31. 20TP012 – Authorize Mayor and Finance Officer to Sign Amendment #1 for the Transportation Alternatives Program Grant Agreement #715373

***Bid Award Consent Items***

- 32. No. CC050420-02.1 - Approve award of total bid for Pavement Rehabilitation Project - Valley West Drive Overlay, Project No. 19-2546 / CIP No. 50549 opened on April 29, 2020 to the lowest responsible bidder, J & J Asphalt in the amount of \$125,326.50.
- 33. No. CC050420-02.2 - Approve award of total base bid plus alternate 2 for 2020 Lane Line Painting, Project No. 20-2578 / CIP No. 50594 opened on April 29, 2020 to the lowest responsible bidder, Dakota Barricade, LLC in the amount of \$136,300.00.
- 34. No. CC050420-02.3 - Approve award of total bid using Schedule A + B for 2020 Street Patching Project, Project No. 19-2544 / CIP No. 50844 opened on April 29, 2020 to the lowest responsible bidder, Simon Contractor of SD, Inc. in the amount of \$357,450.00.

END OF CONSENT ITEMS

**NON-CONSENT ITEMS** – Items 35-51

**Open Public Comment** – Items 35 – 51 (3-minute time limit per speaker)

**Close Public Comment**

***Ordinances***

- 35. No. 20RZ001 - First Reading, Ordinance 6389, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located at 324 E. New York Street.  
**Recommendation: Approve**
- 36. No. 20RZ002 - First Reading, Ordinance 6390, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located at Settlers Creek Place.  
**Recommendation: Approve**
- 37. No. 20RZ003 - First Reading, Ordinance 6391, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located west of Sunny Springs Drive between Wesleyan Boulevard and Harmony Heights Lane.  
**Recommendation: Approve**
- 38. No. 20RZ004 - First Reading, Ordinance 6392, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located east of Sunny Springs Drive and south of Wesleyan Boulevard.  
**Recommendation: Approve**

39. No. 20RZ005 - First Reading, Ordinance 6393, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Low Density Residential District II for property generally described as being located at the eastern terminus of Tablerock Road.  
**Recommendation: Approve**
40. No. 20RZ006 - First Reading, Ordinance 6394, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to High Density Residential District for property generally described as being located at 311 Quincy Street.  
**Recommendation: Approve**
41. No. 20RZ007 - First Reading, Ordinance 6395, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Low Density Residential District II for property generally described as being located at 918 Meadowwood Drive.  
**Recommendation: Approve**
42. No. 20RZ009 - First Reading, Ordinance 6397, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Low Density Residential District for property generally described as being located at 4084 and 4282 Tower Road.  
**Recommendation: Approve**
43. No. 20RZ012 - First Reading, Ordinance 6400, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Low Density Residential District II for property generally described as being located at Horizon Point north of Tower Road.  
**Recommendation: Approve**
44. No. 20RZ022 - First Reading, Ordinance 6408, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Renner Associates, LLC for Creek Drive Land, LLC for a Rezoning request from Medium Density Residential District to General Commercial District for property generally described as being located at 415 North Creek Drive.  
**Recommendation: Approve**
45. No. 20RZ023 - First Reading, Ordinance 6408, 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 LLC for a Rezoning request from General Agricultural District to Low Density Residential District II for property generally described as being located north of Philadelphia Street, east of E. Anamosa Street.  
**Recommendation: Approve**
46. No. 20RZ024 - First Reading, Ordinance 6408, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc for Yasmeeen Dream, LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located west of Elk Vale Road at the terminus of Orchard Lane.  
**Recommendation: Approve in conjunction with approval of a Planned Development Designation**

47. No. 20RZ025 - First Reading, Ordinance 6408, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Stephanie Kroeze for a Rezoning request from Park Forest District to Low Density Residential District II for property generally described as being located at 828 3rd Street.

**Recommendation: Approve**

48. No. 19OA006 – First Reading of Ordinance No. 6294 an Ordinance Amendment Amending Chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District.

**Recommendation: Approve**

**Public Works Committee Items**

49. PW031020-11: Approve Partial Abatement Request for Stormwater Drainage Utility Fee for KTLDCO, LLC, for property located at 1221 Santana Ct., Tax ID 63320, in the amount of \$27.47

**Recommendation: This item was continued from April 20, 2020 City Council meeting per the applicant’s request.**

50. PW042820-08: Request from Fisk Land Surveying & Consulting Engineers, Inc. for a variance to waive the requirement to install sidewalk along East Saint Patrick Street and Pecan Lane, Rapid City, per City Ordinance 12.08.060.

**Recommendation: DENY Variance on St Patrick, APPROVE Variance on Pecan Ln, Motion carried 3-2 with Evans and Roberts voting no.**

51. PW042820-09: Request from Davis Engineering, Inc. for a variance to waive the requirement to install sidewalk along Deadwood Avenue, Rapid City, per City Ordinance 12.08.060.

PW Staff Recommendation: DENY

**PW Committee Recommendation: Approve 4-1 with Nordstrom voting to deny the variance.**

**Legal & Finance Committee Items (NONE)**

**CIP Committee Items (NONE)**

**Community Development Items (NONE)**

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

**Bid Awards (NONE)**

**Alcoholic Beverage License Applications (NONE)**

- Reissuance
- Special Event

**Mayor’s Items (NONE)**

**Council Items & Liaison Reports (NONE)**

- 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 52 – 57

**Open Public Hearing (comment)** - Items 52 – 57 (3-minute time limit per speaker)  
**[Public Hearing Remains Open]**

**Close Public Hearing (comment)** - Items 52 – 57

**CONSENT PUBLIC HEARING ITEMS** – Items 52 and 53

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

***Community Development Items (NONE)***

***Alcohol Licenses***

- 52. MG Oil Company DBA Chances Casino 4, 1565 Haines Ave, Suite B-1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from MG Oil Company DBA Jackpot Casino West, 2144 Jackson Blvd #3
- 53. MG Oil Company DBA Chances Casino 5, 1565 Haines Ave, Suite B-2 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from MG Oil Company DBA Jackpot West II, 2144 Jackson Blvd #4

***Assessment Rolls (NONE)***

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

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 54 – 57

- 54. No. 20RZ018 - Second Reading, Ordinance 6408, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from No Use District to Heavy Industrial District for property generally described as being located at 5400 Old Folsom Road.  
**Recommendation: Approve**
- 55. No. 20RZ019 - Second Reading, Ordinance 6409, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Feber Engineering Co, Inc for Black Hills Corporation for a Rezoning request from General Agricultural District to Light Industrial District for property generally described as being located at 2550 Tatanka Road.  
**Recommendation: Approve**
- 56. No. 20RZ020 – Second Reading, Ordinance 6410, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for a Rezoning request from General Agricultural District to Low Density Residential District II for property generally described as being located north of the current terminus Diamond Ridge Boulevard.  
**Recommendation: Approve**
- 57. No. 20RZ021 - Second Reading, Ordinance 6411, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for a

Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located at the eastern terminus of Garden Lane.

**Recommendation: Approve**

**BILLS**

58. No. CC050420-01 – Bill List for May 4, 2020

**ADJOURN**