

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
May 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, 300 Sixth Street, in Rapid City, South Dakota on Monday, May 18, 2020, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Becky Drury, Ritchie Nordstrom, Greg Strommen, Laura Armstrong, Chad Lewis, Lance Lehmann, John Roberts, Bill Evans and Darla Drew 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, Parks and Recreation Director Jeff Biegler, Deputy Finance Officer Tracy Davis, IT Director Jim Gilbert, Community Development Director Ken Young and Administrative Coordinator Heidi Weaver

ADOPTION OF AGENDA

Mayor added item from Dustin Willett as 32A, authorize funding for emergency shelter up to \$75,000. Motion was made by Armstrong, second by Lewis and carried to add item 32A and adopt the agenda.

GENERAL PUBLIC COMMENT

Stanton Anker, President of Rapid City Racer Swim Team, addressed the council. He understands this is a tough time for the city and the parks and recreation department. He asked that the city reconsider opening the pools for the summer. He said the city can follow the rules by USA Swimming that allows the public to use the pools with COVID-19 parameters.

NON-PUBLIC HEARING ITEMS -- Items 1 – 34

Drew called for point of privilege. She said there is an important election coming up. She, Strommen and Armstrong are launching a campaign called Vote Local. She stated that voting during local elections is very important. She urged the citizens of Rapid City to get to know the candidates and the issues when it's time to vote.

CONSENT ITEMS – Items 1 – 25

There were no items removed from the Consent Items.

Approve Minutes

1. Approve Minutes for the May 4, 2020 Regular Council meeting.

Tax Increment District and Approve Project Plan Set for Hearing (June 1, 2020)

2. No. 20TI004 - A request by Dream Design International, Inc. for Yasmeen Dream, LLC for a Resolution to create Orchard Meadows Lift Station TID and approve Project Plan for property generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.

Alcoholic Beverage License Applications Set for Hearing (June 1, 2020)

3. Rapid City Elks Golf & Event Center Inc. DBA Rapid City Elks Golf & Event Center Inc., 3333 Jolly Lane for a Retail (on-off sale) Malt Beverage and SD Farm Wine license with video lottery TRANSFER from Rapid City Elks Club DBA Elks Lodge #1187, 3333 E. 39th Street
4. MG Oil Company DBA Uncle Sam's South 3, 2110 Jackson Blvd for a Retail (on-off sale) Malt Beverage and SD Farm Wine license with video lottery TRANSFER from MG Oil Company DBA East North Casino, 230 E North Street

Public Works Committee Consent Items

- 5. PW051220-01: Approve change order 4F to Tru-Form Construction, Inc. for Disk and Haines Avenue Intersection, Project #16-2347/CIP NO.51121 for an increase of \$3,016.99.
- 6. PW051220-02: Approve change order 1F to Tru-Form Construction, Inc. for Main Street Valve Repair 5th to West Blvd, Project #2456/CIP NO.50705 for an decrease of \$7,055.72.
- 7. PW051220-03: Approve change order 1F to Tru-Form Construction, Inc. for Concrete Panel Repair Project 5th and Healing Way, Project #2542/CIP NO.50445 for an increase of \$33.41.
- 8. PW051220-04: Authorize staff to advertise for 2020 Chip Seal, Project No. 19-2543 / CIP 50844 for \$205,000.
- 9. PW051220-05: Authorize staff to advertise for Pavement Rehabilitation Project Grand Vista Ct to Kepp Ct, Project No. 19-2547 / CIP 50549 for \$310,000.
- 10. PW051220-07: Authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and Yasmeeen Dream 111, LLC for Sanitary Sewer Main Cost Reimbursement for Shepherd Hills Subdivision for an amount not to exceed \$92,688.00
- 11. PW051220-08: Authorize the Mayor and Finance Officer to sign a covenant agreement between the City of Rapid City and DEVCOR, LLC allowing connection to City water system.
- 12. PW051220-09: Approve Request from Dean Kelly Construction for a variance to waive the requirement to install sidewalk along Krebs Drive, Rapid City, per City Ordinance 12.08.060.

Legal & Finance Committee Consent Items

- 13. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Shirley Aman (RSVP+), Marilyn Halse (RSVP+), Marcia Smith (RSVP+), Amanda Wessels (Police Department)
- 14. LF051320-01 – Approve Resolution No. 2020-035 a Resolution Declaring Miscellaneous Personal Property Surplus to be Donated and/or Sold

Resolution #2020-035

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 (Donation):

Qty 42 Philips Head Start Automated External Defibrillator

Serial #:

- B09D-00083
- B09D-01335
- B09D-01339
- B09D-01528
- B09D-01827
- B09D-01873
- B09D-01884
- B09D-01887
- B09D-01892
- B09D-01898
- B09D-01900

B09D-01911
B09D-01960
B09D-01985
B09D-02000
B09D-02035
B09D-02052
B09D-02068
B09D-02107
B09D-02108
B09D-02126
B09D-02150
B09D-02169
B09D-02196
B09D-02204
B09D-02206
B10H-02581
B131-02520
B13E-00252
B13E-00699
B13H-00357
B13H-00389
B13H-00399
B13H-00610
B13H-00674
B13H-00742
B13I-02451
B14G-01943
B14G-02010
B14G-02234
B14G-03237
B17F-07432

From: Police (201)

For Deletion (Sell):

Qty 8 L3 Flash Back 2 In-Car Digital Recorder
Serial #

FB016942
FB016948
FB020582
FB020583
FB023324
FB023325
FB023326
FB027616

From: Police (201)

For Deletion (Sell):

Qty 11 L3 Flash Back 3 In-Car Digital Recorder
Serial #:

FBE300139
FBE300140
FBE300949-1B
FBE303462

FBE303463
FBE303464
FBE303466
FBE303467
FBE303468
FBE306202
FBE306203

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 18th day of May, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

- 15. LF051320-02 – Acknowledge March 2020 Sales Tax Report
- 16. LF051320-06 – Approve Resolution No. 2020-036 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2020-036
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 May, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

Community Development Consent Items

- 17. LF051320-03 – Authorize the Mayor and Finance Officer to Sign the Community Block Grant for Working Against Violence, Inc. for FY20
- 18. LF051320-04 – Authorize the Mayor and Finance Officer to Sign Amended SF-424 for Community Block Grant for FY20
- 19. LF051320-05 – Authorize the Mayor and Finance Officer to Sign the FY20 Community Block Grant-CV (CDBG-CV) SF-424, SF-424D and Certifications
- 20. LF051320-07 – Approve Amendment to Resident Participation Plan (CDBG)
- 21. No. 20TI003 – ~~(This is a duplicate item and is correctly placed under non-consent public hearing items.) Approve Resolution No. 2020-021 a Resolution to Approve TID No. 70 Project Plan Amendment #1 to Reallocate Project Plan Costs for Property Generally Described as Being Located Catron Boulevard from 5th Street to South US Highway 16, then South Along US Highway 16 to Sammis Trail and East to the Proposed Hyland Crossing Subdivision~~
- 22. No. 03TI001 – Approve Resolution No. 2020-030 a Resolution to Dissolve Tax Increment District #38 for Property Generally Described as Being Located at the Intersection of Eglin Street and Elk Vale Road

RESOLUTION NO. 2020-030
 A RESOLUTION DISSOLVING
 TAX INCREMENT DISTRICT NUMBER THIRTY EIGHT

WHEREAS, the City of Rapid City created Tax Increment District Number Thirty Eight on February 17, 2003; and

WHEREAS, there are no longer any reimbursable project costs remaining to be paid; and

WHEREAS, the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46(2),

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Number Thirty Eight be and is hereby dissolved.

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Thirty Eight Special Fund, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 18th day of May, 2020.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

Bid Award Consent Items

- 23. CC051820-02.1 - Approve award of total bid for Flormann Street Water Main Replacement Project, Mt. Rushmore Road to Apollo Circle, Project No. 19-2512 / CIP No. 51235 opened on May 13, 2020 to the lowest responsible bidder, Lind Exco, Inc. in the amount of \$899,526.42.

24. CC051820-02.2 - Waive technical irregularities and approve award of total bid for Sheridan Lake Rd. Panel Repair Project, Project No. 19-2556 / CIP No. 50445 opened on May 13, 2020 to the lowest responsible bidder, J. V. Bailey Co Inc. in the amount of \$360,101.80.
25. CC051820-02.3 - Approve award of total bid for Northridge Booster Pump Station and Stoney Creek Booster Pump Station Improvements, Project No. 14-2178 / CIP No. 50812.CD opened on May 13, 2020 to the lowest responsible bidder, Mainline Contracting, Inc. in the amount of \$480,050.00.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 26 – 34

Nick Uhre, manager of Grand Gateway Hotel, addressed the council. He said his business is financially suffering. He did call the government for help but is not receiving relief. He wants all businesses open now and doesn't think an extension is necessary.

Bob Fuchs, owner of the Firehouse, said the council had his full support and thought the initial plan was logically thought out. He asked that restrictions end on May 31. He has everything in place to keep the guests and employees safe. He adheres to social distancing and employees wearing masks. He said the stimulus loans are good but those will run out in June. He is asking the restrictions be lifted since many businesses are losing money in every instance.

Ordinances

Mayor read in item (No. 20RZ026) First Reading, Ordinance 6418, 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 4039 and 4052 Windslow Place. Motion to approve was made by Drew, second by Lehmann and that Ordinance 6418 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 1, 2020. Those voting aye, Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read in item (No. 20RZ027) First Reading, Ordinance 6419, 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 4122, 4134, 4146, 4158 and 4170 Wisconsin Avenue. Motion to approve was made by Drury, second by Strommen and that Ordinance 6419 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 1, 2020. Those voting aye, Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read in item (No. 20RZ028) First Reading, Ordinance 6420, 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 3622, 3626, 3632, 3636 and 3700 City View Drive. Motion to approve was made by Drew, second by Armstrong and that Ordinance 6420 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 1, 2020. Those voting aye, Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read in item (LF051320-08) First Reading of Ordinance No. 6424 an Emergency Ordinance Extending the Date by which the City can Implement Measures Necessary to Slow the Community Spread of Coronavirus (COVID-19). Mayor asked Landeen to speak. He indicated that the ordinance did not extend the restrictions, but it does allow council to adopt regulations by resolution and also to lessen or removed those same regulations by resolution. He stated a resolution can be approved with one reading. Just because the ordinance goes to July 31 does not mean that we need to have restrictions

until July 31. If the ordinance is allowed to expire on June 6, all restrictions would go away. Drew spoke to both Uhre and Fuchs. They explained applying for the PPP loan and that their payroll will be covered for eight weeks which is the middle of June and then that money is gone. Drew wants to keep the option of the resolution in place which will allow council to make quicker decisions if the numbers of people are becoming more or less infected. She wants Rapid City's numbers to stay low so that tourists see that and want to visit Rapid City. Roberts wants to revisit this in two weeks. He wished that council hadn't closed the businesses so early. Drury is ready to have business as usual in Rapid City. Evans feels restrictions are still necessary. Strommen agreed with Landeen's explanation of allowing counsel the ability to make regulations through July 31. Motion to approve was made by Lewis, second by Armstrong and that Ordinance 6424 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 1, 2020. Those voting aye, Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Legal & Finance Committee Items

Mayor read in item (LF051320-09) Resolution No. 2020-037 an Emergency Resolution Extending Resolution No. 2020-034. Motion to approve was made by Drew, second by Armstrong to extend current regulations to June 6, 2020. Evans said that South Dakota is sitting at 28th highest in the United States. He thinks at our rate of increase that we could be #1 in the upcoming months if we aren't careful. Motion passed 6-3 with Lehmann, Drury and Roberts voting no. ***This item was published separately on Wednesday, May 20, 2020, which is the effective date of this resolution.***

RESOLUTION NO. 2020-037
AN EMERGENCY RESOLUTION EXTENDING RESOLUTION 2020-034.

WHEREAS, the City adopted an emergency resolution modifying the mandatory orders contained in Ordinance 6413 on April 27, 2020; and

WHEREAS, the modified orders contained in the resolution are set to expire on May 31, 2020; and

WHEREAS, this meeting is the last regularly scheduled meeting before the resolution expires; and

WHEREAS, Ordinance 6413 does not expire until June 6, 2020; and

WHEREAS, the City Council has determined that it is in the City's best interests to extend the modified orders so they do not expire prior to the expiration of Ordinance 6413.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the provisions contained in Resolution 2020-034 are hereby extended until June 6, 2020, unless otherwise repealed, modified, or extended.

BE IT FURTHER RESOLVED, by the City of Rapid City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limit person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health, and safety of the City of Rapid City and shall be effective immediately upon publication thereof.

Dated this 18th day of May, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

Alcoholic Beverage License Applications (56 applications)

31. Approve 2020 Retail (on-off sale) Malt Beverage & SD Farm Wine License Renewals

RB-2010	UNIQUE INK PROMOS INC	UNIQUE INK PROMOS INC	3300 DEADWOOD AVE N
RB-2082	ESSENCE OF COFFEE LLC	ESSENCE OF COFFEE	908 MAIN ST
RB-2190	LATE HARVEST INC	TALLY'S SILVER SPOON	530 6TH ST
RB-2275	M G OIL COMPANY	UNCLE SAM'S WEST	2730 WEST MAIN ST
RB-2289	TRIFECTA GROUP LLC	DELMONICO GRILL	609 MAIN ST
RB-2342	M G OIL COMPANY	RUSHMORE CASINO III	1808 MOUNT RUSHMORE RD STE C
RB-2343	M G OIL COMPANY	JACKPOT CASINO TOO #2	1415 N LACROSSE ST STE 3-B
RB-25623	M G OIL COMPANY	CORNER PANTRY #14	501 DEADWOOD AVE
RB-25624	M G OIL COMPANY	CORNER PANTRY #13	310 E FAIRMONT BLVD
RB-25625	M G OIL COMPANY	CORNER PANTRY #10	1818 MT RUSHMORE RD
RB-25626	M G OIL COMPANY	CORNER PANTRY #9	1220 E ST PATRICK ST
RB-25627	M G OIL COMPANY	CORNER PANTRY #5	601 MOUNTAIN VIEW
RB-25628	M G OIL COMPANY	CORNER PANTRY - LACROSSE	2130 LACROSSE ST
RB-25629	M G OIL COMPANY	CORNER PANTRY #8	302 E NORTH ST
RB-25630	M G OIL COMPANY	CORNER PANTRY #4	901 EAST NORTH ST
RB-25649	BIG D OIL CO	BIG D OIL CO #17	3540 STURGIS RD
RB-25650	BIG D OIL CO	BIG D OIL CO #22	49 E OMAHA
RB-25651	BIG D OIL CO	BIG D OIL CO #4	1507 E ST PATRICK
RB-25652	BIG D OIL CO	BIG D OIL CO STORE #42	850 E NORTH ST
RB-25653	BIG D OIL CO	BIG D OIL CO STORE #41	1160 LA CROSSE ST
RB-25654	BIG D OIL CO	BIG D OIL CO #24	3010 W MAIN
RB-25655	BIG D OIL CO	BIG D OIL # 45	251 STUMER RD
RB-25656	BIG D OIL CO	BIG D OIL CO #8	2303 JACKSON BLVD
RB-2604	M G OIL COMPANY	MARKET SQUARE II	1624 EAST ST PATRICK STE 103
RB-2797	M G OIL COMPANY	LACROSSE STREET CASINO #1	720 LACROSSE ST BUILDING B SUITE 1

RB-2808	M G OIL COMPANY	JOKERS SOUTH CASINO	1320 MOUNT RUSHMORE RD STE C-1
RB-2946	M G OIL COMPANY	#2-EAST CASINO NORTH	230 E NORTH ST
RB-2952	M G OIL COMPANY	RUSHMORE CASINO	1808 MOUNT RUSHMORE RD STE A
RB-2955	CCKT INC	KING OF HEARTS CASINO	2820 W MAIN ST STE B
RB-2964	M G OIL COMPANY	JACKPOT CASINO NORTH	685 N LACROSSE ST STE 2-B
RB-2966	M G OIL COMPANY	BP CASINO II	609 MOUNTAIN VIEW RD STE C-2
RB-2967	M G OIL COMPANY	CHANCES CASINO	1565 HAINES AVE STE D
RB-2969	M G OIL COMPANY	JACKPOT CASINO III	685 N LACROSSE ST STE 2-D
RB-2985	CCKT INC	KING OF HEARTS TWO	2820 WEST MAIN SUITE A
RB-2986	M G OIL COMPANY	JACKPOT CASINO II	685 N LACROSSE ST STE 2-C
RB-2987	M G OIL COMPANY	UNCLE SAMS SOUTH TOO	2110 JACKSON BLVD
RB-2995	M G OIL COMPANY	JACKPOT CASINO TOO	1415 N LACROSSE ST STE 3
RB-2996	M G OIL COMPANY	HAPPY JACKS I-90	4036 CHEYENNE BLVD
RB-2998	CCKT INC	QUEEN OF HEARTS CASINO II	316 EAST BLVD STE 110
RB-3004	M G OIL COMPANY	UNCLE SAM'S SOUTH	2110 JACKSON BLVD
RB-3005	M.G. OIL COMPANY	JACKPOT WEST II	2144 JACKSON BLVD STE 4
RB-3006	M G OIL COMPANY	HAPPY JACK'S EAST	909 E ST PATRICK ST #20
RB-3012	M G OIL COMPANY	BP CASINO	609 MT VIEW SUITE C-1
RB-3019	CCKT INC	QUEEN OF HEART'S CASINO	316 EAST BLVD STE 100
RB-3027	M G OIL COMPANY	MARKET SQUARE CASINO	1624 E ST PATRICK ST
RB-3037	MG OIL COMPANY	CHANCES CASINO 3	1565 HAINES AVE STE C-2
RB-3039	MG OIL COMPANY	SAM'S # 2	2730 W MAIN ST STE B
RB-3044	MG OIL COMPANY	TOBY'S CASINO NORTH	720 E NORTH ST STE 110
RB-3114	MG OIL COMPANY	LACROSSE STREET CASINO #3	720 LACROSSE STREET BLG B SUITE 3
RB-3208	M.G. OIL COMPANY	JACKPOT CASINO WEST	2144 JACKSON BLVD STE 3
RB-3219	MG OIL COMPANY	TOBY'S CASINO NORTH	720 E NORTH ST STE 100
RB-3538	MG OIL COMPANY	TOBY'S CASINO SOUTH TOO	714 CLEVELAND ST
RB-3590	M G OIL COMPANY	CHANCES CASINO TOO	1565 HAINES AVE STE C
RB-3593	MG OIL COMPANY	TOBY'S CASINO SOUTH	710 CLEVELAND ST
RB-3657	M G OIL COMPANY	HAPPY JACKS TOO	909 ST PATRICK ST #21
RB-3810	M G OIL COMPANY	HAPPY JACKS OMAHA	1109 WEST OMAHA ST #

Motion to approve was made by Armstrong, second by Roberts and carried 9-0 with all 56 applications being approved.

Mayor's Items

Mayor read in the item (CC051820-01) Presentation from Mayor Allender – Recommended 2020 Budget Revisions Resulting from COVID-19. Mayor stated that the city approves the upcoming year's budget months in advance of the next year. He said with the pandemic, the city has seen lower than budgeted revenues. Therefore it is necessary to make an adjustment to the spending plan. If council is on board with the recommendations, he will bring an ordinance forward to a future council meeting. The budget configuration is made up of the general fund; special revenue funds; and enterprise funds. Reduction in enterprise funds doesn't benefit the general fund. The general fund is the issue today. Mayor went over the projected shortfall reasons. He stated the estimated shortfall amount is projected to be around \$6.6 million. Most of the general fund is made up of sales tax and property tax. We do not receive sales tax numbers in real time, so everything is based on a guess. There is also projected data subject to yearend property tax submissions. Revenue is also subject to future economic activity over the next seven months. The reduction philosophy is a combination of one-time purchase delays; staff and program reductions; reductions to subsidies; delay of CIP projects; and one-time use of reserve funds. He went over the plan for reductions in each department to make up for the shortfall. He also explained the justification for using reserves. In a response to a question from Nordstrom, Biegler said not opening the pools will save a great deal of money. None of the pools ever make enough to cover their expenses. Drew is concerned that kids will start using the creek since the swimming pools are closed. Lewis stated he appreciated the suggestions the mayor made. Motion was made by Drury, second by Armstrong to acknowledge and bring back a proposed ordinance at a later date. Motion carried.

Mayor read in the item (CC051820-05) authorize funding for emergency shelter up to \$75,000. He explained that there is currently an emergency shelter at the civic center in the Rushmore room. This is something completely covid related designed for the chronic homeless who are vulnerable and generally a non-compliant population. There has been about \$28,000 in expenditures so far to get that up and running and those have been handled by local groups and philanthropy. If the city ends up using it, there will be 24-hour supervision, food costs, healthcare costs, a number of things to isolate that population and care for them and that will cost money. In all likelihood, there will be reimbursement for that money. The money is needed upfront to operate the facility with half coming from the city and half coming from the county. In response to a question from Roberts, the money could be taken from reserves or out of the emergency management budget. Lewis, Drew and Nordstrom spoke in favor of funding. In response to a question from Evans, Mayor Allender indicated that June 26, 2020 was originally chosen as the end of the closure dates for the events at the civic center, since no one knew the speed at which the virus could spread. July events have not been cancelled as of right now. Motion was made by Drury, second by Lehmann and carried to designate up to \$75,000 from the reserve fund for the emergency shelter.

Staff Items

Mayor read in item (CC051820-03) Rapid City Coronavirus Emergency Response – Chief Karl Jegeris. Chief Jegeris explained the Office of Justice Programs and U.S. Department of Justice have approved the application by the City of Rapid City for an award under the OJP funding opportunity entitled "BJA FY 20 Coronavirus Emergency Supplemental Funding Program." Motion to approve was made by Roberts, second by Drury and carried to approve.

Mayor read in item (CC051820-04) - Authorize Mayor and Finance Officer to sign Settlement Agreement with Darren Haar. Motion was made by Drew, second by Lewis to approve. Motion carried 9-0.

PUBLIC HEARING ITEMS – Items 35 – 50

CONSENT PUBLIC HEARING ITEMS – Item 35

Alcohol Licenses

35. 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

Motion was made by Lewis, second by Armstrong to approve item 35. Motion carried 9-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 36 – 50

Mayor read in item (No. 20TI003) A request by John Gomez for Alta Terra Development for a Resolution 2020-021 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. Having passed its first reading on May 18, 2020 motion was made by Lewis, second by Roberts to approve. The following voted aye: Drury, Roberts, Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. No: None.

Res #2020-021
RESOLUTION APPROVING THE PROJECT PLAN AMENDMENT #2 FOR SOUTH HIGHWAY 16
SEWER TAX INCREMENT DISTRICT NUMBER SEVENTY
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, the South Highway 16 Sewer Tax Increment District was created on September 15, 2008 and the Project Plan was approved on February 6, 2012; and

WHEREAS this Project Plan Amendment #2 will replace the Project Plan Revision #1 approved by the City Council on October 11, 2016; and

WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, the Tax Increment District includes commercially zoned property thereby forming an economic development Tax Increment District; and

WHEREAS, the 2008 base valuation of the District as determined by the South Dakota Department of Revenue was \$22,894,400 and the 2018 year end equalized valuation of the District was \$80,714,555, evidence that the District has stimulated the general economic welfare and prosperity of the state through the promotion and advancement of industrial or commercial development as required in South Dakota Codified Law 11-9-8; and

WHEREAS, the Project Plan Revision #2 reallocates project costs to reflect certified expenditures for the sewer main extension, Moon Meadows Drive extension, turn lanes, traffic signal and water main crossing at Moon Meadows Drive and US Highway 16, Engineering Design, Testing and Surveying, Construction Administration and financing costs; and

WHEREAS, the Council has considered the Project Plan Amendment #2 submitted by the Planning Commission and determined that the Project Plan Amendment #2 for South Highway 16 Tax Increment District Number Seventy is economically feasible; and

WHEREAS, the Council has further determined that this Project Plan Amendment #2 is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan Amendment #2 for South Highway 16 Sewer Tax Increment District Number Seventy be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 18th day of May, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

Mayor read in item (No. 20RZ001) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drury, second by Lehmann to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6389 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ002) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drew, second by Drury to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6390 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ003) Second 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. Having passed its first reading on May 4, 2020 motion was made by Nordstrom, second by Drury to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6391 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ004) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drew, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong,

Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6392 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ005) Second 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. Having passed its first reading on May 4, 2020 motion was made by Lehmann, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6393 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ006) Second 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. Having passed its first reading on May 4, 2020 motion was made by Nordstrom, second by Drury to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6394 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ007) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drew, second by Armstrong to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6395 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ009) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drury, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6397 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ012) Second 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. Having passed its first reading on May 4, 2020 motion was made by Drew, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6400 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ022) Second Reading, Ordinance 6414, 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. Having passed its first reading on May 4, 2020 motion was made by Nordstrom, second by Drury to approve. Upon vote

being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6414 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ023) Second Reading, Ordinance 6415, 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. Having passed its first reading on May 4, 2020 motion was made by Lehmann, second by Drew to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6415 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ024) Second Reading, Ordinance 6416, 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 Medium Density Residential District for property generally described as being located west of Elk Vale Road at the terminus of Orchard Lane. Having passed its first reading on May 4, 2020 motion was made by Drury, second by Nordstrom to approve in conjunction with approval of a Planned Development Designation. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6416 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ025) Second Reading, Ordinance 6417, 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. Having passed its first reading on May 4, 2020 motion was made by Nordstrom, second by Roberts to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, and Evans. NO: Drew; Whereupon, the Mayor declared the motion passed and Ordinance 6417 was declared duly passed 8-1 upon its second reading.

Mayor read in item (No. 19OA006) Second Reading of Ordinance No. 6294, an Ordinance Amendment Amending Chapter 17.40 to Revise Permitted and Conditional Uses in the Office Commercial District. Having passed its first reading on May 4, 2020 motion was made by Drew, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Drury, Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6294 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - MAY 18, 2020

P/ROLL PERIOD END 04/25/20, PD 05/01/20	1,760,488.52
CDEV P/ROLL PERIOD END 04/25/20, PD 05/01/20	3,863.33
PIONEER BANK & TRUST, 04/25/20 P/ROLL TAXES, PD 05/01/20	470,838.93
CDEV PIONEER BANK & TRUST, 04/25/20 P/ROLL TAXES, PD 05/01/20	960.21
WELLMARK INC, HEALTH CLAIMS THROUGH 05/01/20, PD 05/07/20	34,531.50
WELLMARK INC, HEALTH CLAIMS THROUGH 05/08/20, PD 05/14/20	141,309.27
WAGE WORKS, SECTION 125 CLAIMS THROUGH 05/04/20, PD 05/05/20	5,520.25
WAGE WORKS, SECTION 125 CLAIMS THROUGH 05/11/20, PD 05/12/20	6,788.32
SOUTH DAKOTA RETIREMENT SYSTEM, APR20 RETIREMENT, PD 05/11/20	479,223.81

RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 05/06/20, PD 05/07/20	4,784.12
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 05/13/20, PD 05/14/20	7,617.36
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 05/12/20	21,407.67
BLACK HILLS ENERGY, ELECTRICITY, PD 05/12/20	36,380.69
COMPUTER BILL LIST	2,844,324.61
CDEV COMPUTER BILL LIST	51,038.42
SUBTOTAL	5,869,077.01
RSVP, P/ROLL PERIOD END 04/25/20, PD 05/01/20	2,310.00
RSVP, PIONEER BANK & TRUST, 04/25/20 P/ROLL TAXES, PD 05/01/20	497.28
RSVP, COMPUTER BILL LIST	821.15
TOTAL	5,872,705.44

Sumption presented the bill list of \$5,872,705.44. Motion was made by Nordstrom, second by Armstrong and carried to authorize (No. CC051820-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Roberts and carried to adjourn the meeting at 8:18 p.m.

Dated this 18th day of May, 2020.

ATTEST:

CITY OF RAPID CITY

 Finance Officer
 (SEAL)

 Mayor