

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
April 19, 2021

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, April 19, 2021 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Greg Strommen, Laura Armstrong, Lance Lehmann, Jason Salamun, Darla Drew, Ron Weifenbach and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts and Pat Jones

Staff members present included: City Attorney Joel Landeen, Police Captain Scott Sitts, Fire Chief Jason Culberson, Public Works Director Dale Tech, Parks and Recreation Director Jeff Biegler, CDBG Manager Michelle Schuelke, IT Director Jim Gilbert, Finance Director Pauline Sumption, Interim Community Development Director Vicki Fisher, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

Evans asked that the Arts Group be added to the agenda to give a small presentation.

ADOPTION OF AGENDA

Motion was made by Evans, second by Nordstrom to adopt the agenda as amended. Motion carried 8-0. Mayor Allender asked that the Arts Group be added as #4A.

AWARDS AND RECOGNITIONS

Mayor Allender read in the Earth Day Proclamation. The Sustainability Group spoke briefly regarding Earth Day.

PRESENTATION

There was a 211 Presentation given by Director, Audrey Nordine. She explained the history, the process, the services and the goals.

Motion was made by Armstrong, second by Lehmann, to move the Pennington County Housing Presentation to the May 3, 2021 agenda. Motion carried 8-0.

Domico Rodriguez with Main Street Square spoke regarding the proposed Giving Meters that they are proposing to be installed for the homeless and less fortunate. He requested funding to install ten poles. He will identify the locations and send them to the mayor.

Executive Director Barry Tice spoke on behalf of Pennington County Health & Human Services and the County's Economic Assistance Program. He explained how this department can serve many people in our area needing economic help with a wide variety of assistance. He wanted to make the public aware of the service and if anyone is in need, they should contact his office.

The Arts Group was invited by Bill Evans to give an update on the last year during the pandemic and how things have changed since one year ago. Nick Johnson of the Performing Arts, Mark Rambo of the Dahl and Troy Kilpatrick from the Journey Museum all spoke of their appreciation of the city helping them during the past year. They are all doing better and creating more opportunities now that the pandemic is a little more under control.

GENERAL PUBLIC COMMENT

Gena Parkhurst addressed the council. She thanked Mayor Allender for the proclamation to the Daughters of the American Revolution. This was their 100th year anniversary.

NON-PUBLIC HEARING ITEMS -- Items 5 – 45

CONSENT ITEMS – Items 5 – 35

There were no items removed from the Consent Items.

Approve Minutes

- 5. Approve Minutes for the April 5, 2021 Regular Council meeting.

Intent to Enter into a Lease Set for Hearing (May 3, 2021)

- 6. The City of Rapid City intends to enter into a lease for property generally consisting of Roosevelt Ice Arena located at 235 Waterloo Street with Badlands Sabres Hockey Group LLC

Alcoholic Beverage License Applications Set for Hearing (May 3, 2021)

- 7. Rapid City Summer Nights Inc. for a SPECIAL EVENT On-Sale Wine license and On-Sale Malt Beverage License, an event scheduled for June 3, 2021; June 10, 2021; June 17, 2021; June 24, 2021; July 1, 2021; July 8, 2021; July 15, 2021; July 22, 2021; July 29, 2021; August 5, 2021; August 12, 2021; August 19, 2021; August 26, 2021; and September 3, 2021 at 600 & 700 Block of St. Joseph & 500 Block of 7th Street
- 8. Working Against Violence Inc. for a SPECIAL EVENT Off-Sale Package Wine Dealer License, an event scheduled for May 8, 2021 at Best Western Ramkota, 211 N. LaCrosse Street
- 9. Rapid City Shrine Temple for a SPECIAL EVENT On-Sale Dealer License, an event scheduled for May 22, 2021 at 4091 Sturgis Road
- 10. Iron Phnx LLC DBA Iron Phnx, 3468 Sturgis Road for a Retail (on-sale) Liquor License TRANSFER from Wobbly Bobby (Inactive), 510 Main Street
- 11. Roman Empire LLC DBA Thirsty's, 819 Main Street for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider License from Frankie's LLC DBA Thirsty's, 819 Main Street

Working Session Committee Consent Items

- 12. WS041421-07: Approve Resolution No. 2021-028 a Resolution of Intent to Enter into a Lease for Badlands Sabres Hockey Group LLC Located at 235 Waterloo Street.

Resolution 2021-028
A RESOLUTION OF INTENT TO ENTER INTO
A Facility License Agreement with Badlands Sabres Hockey Group LLC
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a lease with Badlands Sabres Hockey Group LLC for real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

Tract 27 (Also in 1N-8E Section 6) Section 31, Township 2N, Range 08E

which property generally consists of the Roosevelt Ice Arena; and

BE IT FURTHER RESOLVED that a hearing will be held on May 3rd, 2021, at 6:30 p.m. to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, to consider the lease of such property, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that notice of the time and place of this public hearing shall be published once, at least ten days prior to the hearing, by copy of this Resolution of Intent or by separate notice; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 19th day of April, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

- 13. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: RCPL - Andrea Wagner; RSVP – Dawn Koehler, Malcolm McCaleb, Julie Walkins, Sara Andres
- 14. WS041421-08: Approve Resolution No. 2021-029 - A Resolution Authorizing The Issuance of Sales Tax Revenue Refunding Bonds, Series 2021, 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

RESOLUTION 2021-029

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

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

Section 1. Findings. It is hereby found, determined and declared that:

(A) The City of Rapid City, in the County of Pennington and State of South Dakota (the “City”), is a political subdivision of the State of South Dakota and a body corporate and politic.

(B) Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

(C) The City is authorized by Chapter 10-52, South Dakota Codified Laws (the “Sales Tax Act”) to levy a “non-ad valorem tax” (as defined by the Sales Tax Act) on the sale, use, storage and consumption of items taxed under Section 10-45 and 10-46 of the South Dakota Codified Laws, subject to certain exceptions; and the City has adopted and enacted Chapter 3.16 of the Rapid City Municipal Code, as amended through Ordinance No. 6195 (said Chapter 3.16 as so amended, the “Sales Tax Ordinance”), imposing and providing for the administration of the taxes authorized by the Sales Tax Act within the City, such tax being hereinafter referred to as the “Sales Tax.”

(D) The City may issue municipal non-ad valorem tax revenue bonds pursuant to Section 10-52-2.10 of the Act and Chapter 6-8B, South Dakota Codified Laws in anticipation of the collection of the

Sales Tax. Such bonds are required to be payable solely from collections of the Sales Tax, and the City is required to covenant that it will continue to impose and collect the Sales Tax so long as such bonds are outstanding.

(E) The City is authorized under Section 3.16.060 of the Sales Tax Ordinance to deposit 50% of the Sales Tax (the "Pledged Sales Taxes") in the Rapid City Capital Improvements & Vision Fund (the "Fund"), and to finance projects eligible under the Sales Tax Ordinance.

(F) The City has established two accounts within the Fund, the Capital Improvements Account and the Vision Account, and provided that approximately 58% of the Sales Tax deposited in the Fund shall be allocated to the Capital Improvements Account and 42% shall be allocated to the Vision Account, provided that in any given month, such allocation may vary, with the account which is underfunded to be reimbursed from the other account over such time period as the Council shall determine.

(G) The City has previously issued its Sales Tax Revenue Bonds, Series 2018 (the "Series 2018 Bonds"), in the original aggregate principal amount of \$100,685,000, pursuant to an Indenture of Trust, dated as of August 15, 2005 (the "Original Indenture"), as supplemented by a First Supplemental Indenture, dated as of February 1, 2013 (the "First Supplement"), as further supplemented by a Second Supplemental Indenture dated as of October 1, 2018 (the "Second Supplement"), as further supplemented by a Third Supplemental Indenture dated as of December 1, 2018 (the "Third Supplement"), between the City and U.S. Bank National Association, as successor to The First National Bank in Sioux Falls, in Sioux Falls, South Dakota (the "Trustee"). The Series 2018 Bonds are secured by the Pledged Sales Taxes, as defined in the Second Supplement, and expected to be paid from the portion of the Pledged Sales Taxes deposited in the Vision Account of the Fund (the "Vision Account Revenues").

(H) The City has also previously issued its Taxable Sales Tax Revenue Bonds, Series 2020 (the "Series 2020 Bonds"), in the original aggregate principal amount of \$10,630,000, pursuant to the Original Indenture, as amended by the First Supplement, the Second Supplement, the Third Supplement and a Fourth Supplemental Indenture dated as of October 1, 2020 (the "Fourth Supplement"). The Series 2020 Bonds are secured by the Pledged Sales Taxes and expected to be paid from the portion of the Pledged Sales Taxes deposited in the Capital Improvements Account (the "Capital Improvements Account Revenues").

(I) Other than the Series 2018 Bonds and the Series 2020 Bonds, no other obligations are outstanding which are payable from the Pledged Sales Taxes.

(J) As authorized by the Sales Tax Ordinance and the Act, the City has determined that it is necessary and desirable to issue obligations (the "Sales Tax Obligations"; together with the Series 2018 Bonds and Series 2020 Bonds, the "Bonds") payable from the Pledged Sales Taxes for the purpose of refunding in advance of maturity and redeeming on December 1, 2026, the Series 2018 Bonds maturing in the years 2027 through 2048 (the "Refunded Bonds"), outstanding in the aggregate principal amount of \$85,485,000 (the "Refunding"). The Sales Tax Obligations will be issued pursuant to the Original Indenture, as amended through and including by a Fifth Supplemental Indenture of Trust (the "Fifth Supplement"; the Original Indenture as so amended, the "Indenture"), between the City and the Trustee. As provided in the Indenture, if at any time the proceeds of Pledged Sales Taxes are not sufficient to pay when due all debt service on the Bonds, the City shall nevertheless provide moneys to cure any such deficiency, but only to the extent of funds then legally available for that purpose, and then only if such legally available funds are appropriated for such purpose by the City's governing body. The governing body of the City is not obligated to appropriate funds to cure a deficiency.

(K) The Sales Tax Obligations shall be issued in an aggregate principal amount not to exceed the amount necessary to provide for the refunding of the Refunded Bonds, plus amounts necessary to pay costs of issuance of the Sales Tax Obligations, including a discount not exceeding 2% of the principal amount of the Sales Tax Obligations, bond insurance premium, if necessary, and original issue discount (not to exceed 2% of the principal amount of the Sales Tax Obligations), if any.

(L) The Sales Tax Obligations may be issued in one or more series; on a taxable or tax-exempt basis (or convertible); may mature on any date on or prior to twenty-eight (28) years following the date of issuance; shall be secured by or made payable from the Pledged Sales Taxes; shall bear interest at the rate or rates provided in such Sales Tax Obligations, provided that the average initial yield on the Sales Tax Obligations shall not exceed 3.30% and shall be issued on such other terms as the officers of the City executing such Sales Tax Obligations shall approve.

(M) If required, the Sales Tax Obligations may be insured by a municipal bond insurance policy.

Section 2. Authorization of Sales Tax Obligations.

(A) The Mayor, Finance Director and City Attorney are hereby authorized and directed to execute and deliver (a) a term sheet, commitment letter or bond purchase agreement (any such agreement, the "Purchase Agreement") with Colliers Securities and R.W. Baird & Co., Inc. (together, the "Underwriter"), (b) the Fifth Supplement and the documents required thereunder, (c) the Sales Tax Obligations, and (d) any other documents required to complete the financing contemplated hereby. Execution and delivery of such documents by the Mayor, Finance Director and City Attorney shall constitute evidence that such items are consistent with the terms of this Resolution and such Purchase Agreement and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. In the event of the absence or disability of the Mayor or City Finance Director, such other officers of the City as may, in the opinion of the City Attorney, act in the absence of such officers, are hereby authorized to act in the place and stead of the Mayor and City Finance Director, and to take all actions and execute all documents approved hereby

(B) The Sales Tax Obligations shall be special, limited obligations of the City, payable solely from the Pledged Sales Taxes and other moneys pledged therefor, if any. The Sales Tax Obligations shall not be payable from any general or other fund of the City, and the Sales Tax Obligations shall not constitute general obligations of the City.

Section 3. Pledge of Pledged Sales Tax. The Pledged Sales Taxes shall be pledged or may be appropriated to the payment of the unrefunded Series 2018 Bonds, the Series 2020 Bonds, the Sales Tax Obligations and any additional obligations payable therefrom to the extent permitted by the Sales Tax Ordinance and documents entered into in connection with the Sales Tax Obligations.

Section 4. Offering Documents. The Mayor, the Finance Director and the City Attorney are authorized, in cooperation with the Underwriter for the Sales Tax Obligations, to prepare one or more offering documents, term sheets, requests for proposals or other disclosure materials to be distributed to prospective purchasers of the Sales Tax Obligations (whether one or more, the "Official Statement"). The Mayor and the Finance Director are hereby authorized and directed to approve, and, if requested, to execute the Official Statement.

Section 5. Ratification. All actions heretofore taken by the City or any of its officers in connection with the Sales Tax Obligations are hereby ratified and confirmed.

Section 6. Amendment. This resolution may be amended at any time prior to the issuance of the Bonds by adoption of an administrative resolution.

Dated this 19th day of April, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

- 15. WS041421-09: Resolution No. 2021-030 – Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2021-030
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 19th day of April, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

	CUSTOMER NAME	ID#	CLEAN UP ADDRESS	MAILING ADDRESS	LEGAL DESCRIPTION	TOTAL AMOUNT DUE
1	SODERLIN, CHARLES	28900	1911 IVY AVE	PO Box 422, Martin, SD 57551	Lot 10, Block 5, Robbinsdale	\$ 210.00

2	RAPID CITY, PIERRE & EASTERN RAILROAD INC	50013	RAILROAD ROW - N MAPLE AVE	2800 Post Oak Blvd Ste 3700, Houston, TX 77056	RR ROW Within Lots 11- 17, Block 6, Schnasse Add	\$ 700.00
3	AUWERTER, CHRIS	5596	4505 PATRIOT LN	4505 Patriot Lane, Rapid City, SD 57701	Lot 15, Block 4, Mallridge Subd	\$ 1,330.00

16. WS041421-10: Resolution 2021-031 - Resolution Declaring Miscellaneous Personal Property Surplus To Surplus As Trade

Resolution #2021-031
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: Parks (860)
 - For Deletion (trade):
 - 2007 EXMARK DIESEL LAZER A ULTRA VAC MOWER
 - SERIAL# 692354
 - For Deletion (trade):
 - 2009 KUBOTA MOWER
 - SERIAL# 10119

BE IT FURTHER RESOLVED that the Mayor and Finance Director may do all acts necessary to dispose of this property according to state law.

Dated this 19th day of April, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

17. WS041421-11: Authorize Mayor & Finance Director to Sign Electric Cooperative Revenue Agreement for 2022
18. WS041421-12: Approve Request from Wayne Hellman for a variance to waive the requirement to install sidewalk along Cabot Hill Road, Rapid City, per City Ordinance 12.08.060.

19. WS041421-13: Approve Request from Fisk Land Surveying & Consulting Engineers for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 16.16.050, along the roadway frontage of Schroeder Road and Ridgeland Loop for proposed Lots A, B & C.
20. WS041421-14: Authorize Mayor and Finance Director to sign DOT Resolution to Delete Bridge from NBI (National Bridge Inventory).
21. WS041421-15: Approve change order 3F to Mainline Contracting, Inc. for Northridge Booster Pump Station and Stoney Creek Booster Pump Station Improvements, Project #2178 for an increase of \$8,226.12.
22. WS041421-16: Approve Change Order 1 To Tru-Form Construction, Inc. For 2020 ADA Project, Project #2062 for an increase of \$9,851.80.
23. WS041421-17: Authorize Staff To Advertise For Bids For 2021 Lane Line Painting, Project No. 21-2649 9 CIP No. 50594. Estimated cost: \$150,000
24. WS041421-18: Authorize Staff to Advertise Bids For Miscellaneous Improvements Projects, Facility Type Projects Digester Boiler Replacement, Project No. 21-2651 / CIP 51132.3. Estimated Cost \$200,000.
25. WS041421-19: Acknowledge Correction To The Authorization Submitted With Item WS011321-11 For Agreement Between The City Of Rapid City And AET For The Annual 2021 Environmental Monitoring Of The Rapid City Landfill. The Actual Contract Dollar Amount IS \$116,715.44. The Authorization Form Was Erroneously Submitted For \$116,715.50.
26. WS041421-25: Approve Update To The Authorization For Purchase Submitted As Item WS012721-03 For Purchase Of (1) New Current Model Year Bucket Truck Through Versalift, Sourcewell Cooperative Contract #012418-TIM With ABM Equipment. The Contract Amount Is \$98,690.00 Instead Of The \$97,785.00 Originally Requested.
27. WS041421-20: Authorize Purchase Of Garbage And Recycling Containers From Rehrig Pacific Company Using Omnia Partners Cooperative Contract Pricing, In The Amount Of \$47,584 .52
28. WS041421-21: Request For Extension Of A Contract With SNF Polydyne For Purchase Of Cationic Sludge Polymer For The Water Reclamation Facility. The Extended Price Is \$1.38/Lb With An Estimated Annual Expenditure Of \$82,800.00 For 60,000lbs.
29. WS041421-22: Authorize Mayor and Finance Director to Sign Purchase Agreement in the amount of \$150,000 between City of Rapid City and Benneco, LLC and Authorize the Public Works Director to Accept the Deed for Lots 22, 23, 24, 25 and 26 and Park Lots and vacated Upper Pines Drive in Pine Heights Subdivision.
30. WS041421-23: Confirm the appointment of Chris Huber to the MARC Board, also known as the Journey Museum Board of Directors.

Community Development Consent Items

31. WS041421-04: FY21 Community Development Block Grant Contract & Indenture of Restrictive Covenants for Youth and Family Services, Inc.

Bid Award Consent Items

32. CC041921-04.1 - Approve award of total bid for Una Del Drive Reconstruction, Project No. 19-2505 / CIP No. 50914 opened on April 13, 2021 to the lowest responsible bidder, Mainline Contracting, Inc. in the amount of \$1,777,857.55
33. CC041921-04.2 - Approve award of total bid for South Street Sewer Extension, Project No. 19-2538 / CIP No. 51221 opened on April 13, 2021 to the lowest responsible bidder, Underground Construction, LLC in the amount of \$592,873.10
34. CC041921-04.3 - Approve award of total bid for Knollwood Drainage Basin Detention Element 303, Project No. 20-2601 / CIP No. 51303 opened on April 13 to the lowest responsible bidder, Heavy Constructors, Inc. in the amount of \$251,169.46
35. CC041921-04.4 - Approve award of total bid for Roosevelt Pool Refinishing, Project No. PR21-6182 opened on April 13, 2021 to the lowest responsible bidder, Mid-America Pool Renovation, Inc. in the amount of \$163,500.00.

NON-CONSENT ITEMS – Items 36 - 45

Regarding Item WS041421-01, Bill Freytag stated there are hot soils in this area and HDPE Pipe should be allowed. He said his design engineer recommended HDPE pipe as well and said it was a superior material. Kyle Treloar, KTM Design Solutions, spoke in favor of the HDPE pipe. He is not the design engineer, but owns the company providing the plans. Daene Boomsa, Professional Excavating spoke in support of HDPE pipe. He said nothing has failed with this product. He indicated it was being used under the streets of Rapid City right now. He said the product is good in all temperatures and conditions. Dustin Langston with WL Plastics spoke to the council. He stated the product has a 100 year service life. David Fink, President of the Plastics Pipe Institute stated this product is widely used and doesn't leak.

Ordinances

Mayor Allender read in item (WS041421-05) First Reading of Ordinance No. 6464, An Ordinance Establishing Chapter 8.40 regarding Nuisance Sidewalks and Amending Chapter 12.08 regarding Sidewalk Construction and Repair. Motion was made by Drew, second by Nordstrom and carried 8-0 that Ordinance 6464 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 3, 2021.

Mayor Allender read in item (WS041421-24) First Reading of Ordinance 6483 Regarding Supplemental Appropriation #2 for 2021. Motion was made by Salamun, second by Drew and carried 8-0 that Ordinance 6483 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, May 3, 2021.

Working Session Committee Items

Mayor Allender read in item (WS041421-01) Appeal by DEVCOR, LLC of an Exception Request denial to allow HDPE water service in lieu of copper tubing from the main to the curb stop. Staff recommended to deny. Evans and Drew spoke in favor of approving the exception. Motion was made by Lehmann, second by Weifenbach to approve the exception. Nordstrom stated he was opposed to the exception. Tech answered questions from the council. Motion passed to approve the exception with a vote of 6-2 with Nordstrom and Strommen voting no. Tech said future talks would be held with the infrastructure advisory group.

Mayor Allender read in item (WS041421-06: Authorize Mayor and Finance Director to sign Settlement Agreement Between the City of Rapid City, SSST, LLC, and Dennis Zandstra Real Estate Holdings, LLC for TIF 65 Minnesota Street Certified Costs. Motion was made by Salamun, second by Drew to approve. Motion carried 8-0.

Community Development Items

Mayor Allender read in item (No. 21PL018) A request by Renner Associates, LLC for Bobby Sundby for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Garden Lane Subdivision, generally described as being located at 2905 Garden Lane. Motion was made by Salamun, second by Strommen to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to show the dedication of 16 additional feet of right-of-way along Garden Lane or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Final Plat application; and, 2. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structure or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, the Covenant Agreement shall ensure that a fire apparatus turnaround will be provided on Lot 2 since the driveway length appears to be in excess of 150 feet; and, 3. Prior to submittal of a Final Plat application, a Variance from the Zoning Board of Adjustment shall be obtained to reduce the front yard setback from 20 feet to 8 feet as a result of dedicating the additional right-of-way along Garden Lane. Motion carried 8-0.

Mayor Allender read in item (No. 21PL019) A request by Renner Associates, LLC for Paul H H Reinke Family Trust for a Preliminary Subdivision Plan for proposed Lot 10R of Block 2 and Lot 7R of Block 3 of Copper Oaks #3 Subdivision, generally described as being located at 23614 and 23620 Wilderness Canyon Road. Motion was made by Lehmann, second by Strommen to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for sidewalk along Wilderness Canyon Road and Wild Turkey Way shall be submitted for review and approval or a Variance shall be obtained from the City Council to waive the requirement; 2. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 3. Upon submittal of a Development Engineering Plan application, construction plans for Wilderness Canyon Road shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 4. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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; 5. Prior to submittal of a Final Plat application, proposed Lot 7R shall be rezoned from Rural Residential District to Suburban Residential District with Pennington County. 6. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property if needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed; 7. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 8. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative; 9. 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, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. Motion carried 8-0.

Mayor Allender read in item (No. 21PL020) A request by Renner Associates, LLC for Paul H H Reinke Family Trust for a Preliminary Subdivision Plan for proposed Tract 1 of Reflection Ridge Subdivision, generally described as being located at 23652 Wilderness Canyon Road. Motion was made by Drew, second by Evans to approve the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for sidewalk along 47th Avenue, Wilderness Canyon Road, Wild Turkey Way, and Reflection Ridge Road shall be submitted for review and approval or a Variance shall be obtained from the City Council to waive the requirement; 2. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 3. Upon submittal of a Development Engineering Plan application, construction plans for water main and sidewalks on Wilderness Canyon Road shall be submitted for review and approval or an Exception shall be obtained to waive the requirement. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for Reflection Ridge Road / Section Line showing water main and a 20-foot wide paved surface shall be

submitted for review and approval or an Exception must be obtained to waive the requirement. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, the plat shall be revised to show the dedication of 52 feet of right-of-way for the Section Line or the Section Line shall be vacated through Pennington County or shall meet the criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 6. Upon submittal of a Development Engineering Plan application, the plat shall be revised to show the dedication of 52 feet of right-of-way for Reflection Ridge Road or an Exception shall be obtained to waive the requirement. If Exception(s) are obtained, a copy of the approved document(s) shall be submitted with the Development Engineering Plan application; 7. Upon submittal of a Development Engineering Plan application, confirmation must be submitted from Copper Oaks private water system that the lots can be served; 8. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. 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; 9. Prior to submittal of a Final Plat application, proposed Tract 1 shall be rezoned from Suburban Residential District to Agriculture District with Pennington County. 10. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property if needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed; 11. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 12. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative; 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. Motion carried 8-0.

Mayor Allender read in item (WS041421-02) Request by Kari Kadrmas for a determination by the City Council that there are no feasible and prudent alternatives to the demolition of a contributing structure in a historic district located at 817 Saint Cloud Street, and that the proposal contains planning to minimize harm to historic property pursuant to SDCL1-19A-11.1 and RCMC 17.54.080. Motion was made by Nordstrom, second by Salamun to approve. Motion carried 8-0.

Mayor Allender read in item (WS041421-03) Request by Joanne and Roger Schriver for a determination by the City Council that there are no feasible and prudent alternatives to the proposed demolition of a contributing structure in a historic district located at 915 Saint Cloud Street, and that the proposal contains planning to minimize harm to historic property, pursuant to SDCL1-19A-11.1 and RCMC 17.54.080. Motion was made by Drew, second by Nordstrom to approve. Motion carried 8-0.

Alcoholic Beverage License Applications (30 applications)

45. Approve 2021 Retail (on-off sale) Malt Beverage & SD Farm Wine License Renewals

License #	Owner/Master Name	DBA	Address
RB-19197	PLATINUM RESTAURANT GROUP, INC	MARCOS PIZZA #3019	3625 JACKSON BLVD
RB-19768	PURE BLISS LLC	A PERFECT 10	1109 W OMAHA SUITE B
RB-19953	FUJI JAPANESE STEAK HOUSE INC	FUJI JAPANESE STEAK HOUSE INC	1731 EGLIN STREET
RB-20253	FUJI ASIAN RESTAURANT INC	FUJI ASIAN RESTAURANT	2200 N MAPLE AVE UNIT 478
RB-20374	PURE BLISS LLC	A PERFECT 10 NAIL & BEAUTY BAR	36 E. STUMER RD SUITE 118
RB-20789	PLATINUM RESTAURANT GROUP INC	MARCOS PIZZA #4010	4040 CHEYENNE BLVD SUITE A
RB-20817	PURE BLISS LLC	A PERFECT 10	1745 EGLIN ST STE 770
RB-22767	LC BEER LLC	LOST CABIN BEER CO	1401 W OMAHA ST
RB-25620	RECREATIONAL ADVENTURES CO	KOA KAMPGROUND	3010 E HIGHWAY 44
RB-25679	WV LLC	ZYMURCRACY BEER COMPANY	4624 CREEK DR., SUITE 6
RB-2598	WYNGARD POT O GOLD CASINO INC	LUCKY D'S CASINO II	1330 E ST PAT ST #2
RB-26591	WISDOM INC	COUNTRY INN & SUITES BY CARLSON-RC	2321 N LACROSSE ST
RB-27208	BELLAVITA LLC	SABATINOS ITALIAN RISTORANTE	617 MAIN ST
RB-27274	BLACK HILLS BARBERSHOP LLC	BLACK HILLS BARBERSHOP	516 6TH ST
RB-2741	WINE LAND INC	WINE CELLAR RESTAURANT	513 6TH ST
RB-27449	SKYWAY ENTERPRISES INC	AMERICINN MOTEL	1632 RAPP ST
RB-2945	WYNGARD POT O GOLD CASINO INC	POT-O-GOLD CASINO	530 CAMBELL ST STE 1
RB-2961	WYNGARD POT-O-GOLD CASINO INC	POT-O-GOLD CASINO II	530 CAMBELL ST STE 1A
RB-2988	CIMARRON CASINO INC.	LUCKY 7'S CASINO II	705 INDIANA ST., STE.B
RB-2990	CIMARRON CASINO INC.	LUCKY 7'S CASINO I	705 INDIANA ST., STE A
RB-3010	RAPID BOWL INC	MEADOWOOD LANES	3809 STURGIS RD
RB-3017	CIMARRON CASINO INC	ROYAL CASINO I	2530 W MAIN ST #1
RB-3054	CIMARRON CASINO INC.	LUCKY 7'S CASINO III	705 INDIANA ST. STE.C
RB-3302	CIMARRON CASINO INC	ROYAL CASINO II	2530 W MAIN ST STE II
RB-3450	WYNGARD POT O GOLD CASINO INC	LUCKY D'S CASINO	1330 E ST PATRICK ST
RB-3588	DEAN'O'S CASINO INC	DEAN'O'S CASINO	903 EAST NORTH ST
RB-3592	WYNGARD POT-O-GOLD CASINO INC.	LUCKY D'S CASINO III	1330 E. ST PATRICK ST. STE.

			1
RB-3624	BLACK HILLS AMATEUR BASEBALL INC	BLACK HILLS AMATEUR BASEBALL	MCKEAGUE FIELD 2819 CANYON LAKE DR
RB-3812	RAPID CITY SOFTBALL ASSOC	RAPID CITY SOFTBALL	1511 SEDIVY LANE
RB-3912	DEANOS CASINO INC	DEANOS CASINO II	903 E NORTH ST SUITE A

Motion was made by Lehmann, second by Drew to approve all alcohol renewals under item 45. Motion carried 8-0.

PUBLIC HEARING ITEMS – Items 46 – 50

CONSENT PUBLIC HEARING ITEMS – Items 46 – 49

No speaker requests.

Alcohol Licenses

- 46. Bar K-9 for a SPECIAL EVENT on-sale Malt Beverage for an event scheduled for April 30 – May 1, 2021, at the Rushmore Mall, Skylight area in front of Zales, 2200 N Maple Dr. #508
- 47. Naja Shrine Temple for a SPECIAL EVENT On-Sale Wine license and On-Sale Malt Beverage License, an event scheduled for April 24, 2021 at the Rapid City Shrine Center, 4091 Sturgis Road
- 48. Atlantis LLC DBA Fairfield Inn & Suites, 1314 N Elk Vale Rd for a Retail (on-off sale) Wine and Cider license
- 49. Cortez LLX DBA Alex Johnson Hotel, 523 6th Sixth Street, for a Retail (on-off sale) Wine and Cider license

Motion was made by Armstrong, second by Strommen and carried to approve items 46-49.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Item 50

Mayor Allender read in item (No. 21RZ010) Second Reading, Ordinance 6481, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Ferber Engineering Co., Inc. for Hay Land, LLC for a Rezoning request from Light Industrial District to General Commercial District for, generally described as being located south of Seger Drive at the end of 143 Avenue. Having passed its first reading on April 5, 2021, motion was made by Lehmann, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Armstrong, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6481 was declared duly passed upon its second reading

BILLS

BILL LIST - APRIL 19, 2021

P/ROLL PERIOD END 03/27/21, PD 04/01/21	1,971,056.87
CDEV P/ROLL PERIOD END 03/27/21, PD 04/01/21	2,381.85
SUPP P/ROLL PERIOD END 03/27/21, PD 04/07/21	(11,258.64)
SUPP P/ROLL PERIOD END 03/27/21, PD 04/07/21	6,711.08
SUPP P/ROLL PERIOD END 03/13/21, PD 04/09/21	801.99
PIONEER BANK & TRUST, 03/27/21 P/ROLL TAXES, PD 04/01/21	524,876.75
PIONEER BANK & TRUST, SUPP 03/27/21 P/ROLL TAXES, PD 04/07/21	(3,265.11)
PIONEER BANK & TRUST, SUPP 03/27/21 P/ROLL TAXES, PD 04/07/21	2,859.77

PIONEER BANK & TRUST, SUPP 03/13/21 P/ROLL TAXES, PD 04/09/21	61.35
CDEV PIONEER BANK & TRUST, 03/27/21 P/ROLL TAXES, PD 04/01/21	555.60
WELLMARK INC, HEALTH CLAIMS THROUGH 04/02/21, PD 04/08/21	132,231.73
WELLMARK INC, HEALTH CLAIMS THROUGH 04/09/21, PD 04/15/21	126,725.38
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 04/05/21, PD 04/06/21	5,947.27
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 04/12/21, PD 04/13/21	9,974.36
SOUTH DAKOTA RETIREMENT SYSTEM, MAR21 RETIREMENT, PD 04/02/21	483,209.18
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 04/07/21, PD 04/08/21	9,662.53
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 04/14/21, PD 04/15/21	11,825.72
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 04/13/21	48,061.74
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 04/13/21	50,984.93
COMPUTER BILL LIST	4,237,200.06
CDEV COMPUTER BILL LIST	60.83
SUBTOTAL	7,610,665.24
RSVP, P/ROLL PERIOD END 03/27/21, PD 04/01/21	2,785.57
RSVP, PIONEER BANK & TRUST, 03/27/21 P/ROLL TAXES, PD 04/01/21	617.19
RSVP, COMPUTER BILL LIST	2,664.97
TOTAL	7,616,732.97

Sumption presented the bill list of \$7,616,732.97. Motion was made by Salamun, second by Nordstrom and carried to authorize (No. CC041921-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 8-0.

Evans stated historical structures are important in Rapid City. He said the historic structures should be preserved and other options should be considered rather than destruction.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Drew and carried to adjourn the meeting at 8:17 p.m.

Dated this 19th day of April, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____