

**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 3, 2021**

**ROLL CALL AND DETERMINATION OF QUORUM**

**INVOCATION** (You are welcome to participate, but not required)

**PLEDGE OF ALLEGIANCE**

**ADOPTION OF AGENDA**

**AWARDS AND RECOGNITIONS**

**PRESENTATION**

1. Active-2 COVID outpatient treatment clinical trial – Dr. Jeffrey Henderson
2. Pennington County Housing Presentation – Bryan Achbach
3. Sioux Park Tennis Court Group Presentation – Jason Olson, Liz Hamburg, Alex Fisher and Lycia Thornburg

**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 4 – 55

**Open Public Comment** – Items 4 – 45 (3-minute time limit per speaker)

**Close Public Comment**

**CONSENT ITEMS** – Items 4 – 45

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

***Approve Minutes***

4. Approve Minutes for the April 19, 2021 Regular Council meeting.

***Intent to Enter into a Lease Set for Hearing (May 17, 2021)***

5. The City of Rapid City intends to enter into a lease for property located at 2601 Canyon Lake Drive with Post 320 Baseball, Inc.
6. The City of Rapid City intends to enter into a lease for property located at 1610 32<sup>nd</sup> Street with Canyon Lake Little League
7. The City of Rapid City intends to enter into a lease for property located at 1615 Sedivy Lane with Rapid City Softball Association
8. The City of Rapid City intends to enter into a lease for property located at 2819 Canyon Lake Drive with Rapid City with Rapid City High School Baseball
9. The City of Rapid City intends to enter into a lease for property located at 2721 Canyon Lake Drive with Black Hills Sports, Inc.

**Alcoholic Beverage License Applications Set for Hearing (May 17, 2021)**

10. Zymurcrazy Beer Co. for a SPECIAL EVENT on-sale Malt Beverage License for an event scheduled for June 12, 2021 at Storybook Island, 1301 Sheridan Lake Road
11. American Legion Post 22 for a SPECIAL EVENT on-sale Malt Beverage License for an event scheduled for June 29-July 5, 2021, at Post 22 Baseball Field Parking Lot, 2721 Canyon Lake Dr
12. Rushmore German Club for a SPECIAL EVENT on-sale Malt Beverage License for an event scheduled for August 19-August 29, 2021, at Central States Fairgrounds, 800 San Francisco St
13. Nu Nails LLC DBA Nu Nails, 2255 Haines Ave #350, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license
14. Moyle Petroleum Company DBA Orchard Meadows Common Cents #109, 3501 E Hwy 44 for a Package (off-sale) Liquor License TRANSFER from Family Fare #253 (Inactive) 1516 E St Patrick St
- 14A. City of Rapid City DBA Roosevelt Park Ice Arena, 235 Waterloo for a Retail (on-off sale) Malt Beverage & SD Farm Wine license

**Working Session Committee Consent Items**

15. WS042821-11: Confirm the Reappointment of Darren Haar to the Rapid City Regional Airport Board of Directors
16. WS042821-15: Confirm the Appointment of Christine Jones to the Rapid City Public Library Board of Trustees
17. WS042821-12: Creation of the Parking Operations Manager Position
18. WS042821-18: Approve Resolution No. 2021-035 a Resolution of Intent to Enter into a Lease for Post 320 Baseball, Inc. for Property Located at 2601 Canyon Lake Drive
19. WS042821-19: Approve Resolution No. 2021-036 a Resolution of Intent to Enter into a Lease for Canyon Lake Little League for Property Located at 1610 32nd Street
20. WS042821-20: Approve Resolution No. 2021-037 a Resolution of Intent to Enter into a Lease for Rapid City Softball Association for Property Located at 1615 Sedivy Lane
21. WS042821-21: Approve Resolution No. 2021-038 a Resolution of Intent to Enter into a Lease for Rapid City High School Baseball, Inc. for Property Located at 2819 Canyon Lake Drive
22. WS042821-22: Approve Resolution No. 2021-039 a Resolution of Intent to Enter into a Lease for Black Hills Sports, Inc. for Property Located at 2721 Canyon Lake Drive
23. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Bob Cole (Police Department)
24. WS042821-01: Acknowledge February 2021 Sales Tax Report
25. WS042821-02: Acknowledge March 2021 General Fund Cash Balance Report
26. WS042821-13: Approve Resolution No. 2021-033 a Resolution Declaring Miscellaneous Personal Property Surplus to be Surplused for Auction
27. WS042821-14: Acknowledge FY 2020 Annual Financial Report
28. WS042821-27: Approve Resolution No. 2021-044 A Resolution to Authorize the Placement of Giving Meters in the Downtown Area
29. WS042821-03: Approve Request from Daene Boomsma (the property owner) for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 12.08.060.C, along Sweetbriar Street which is the West Frontage of the Property Located at 4400 Avenue A
30. WS042821-04: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and Ferber Engineering Company, Inc. for Canyon Lake District Streets Reconstruction, Project No. 19-2535 / CIP No. 51098 in the Amount of \$219,675.00
31. WS042821-05: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and Brandon Powles for Construction of a Public Sewer Main in Thrush Drive, West of Nickle Street
32. WS042821-06: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and B2 Rapid City, LLC for Temporary Construction Easements and Permanent

- Sanitary Sewer Main Easements for the Elk Vale Lift Station Gravity Main and Force Main Project, Project No. 18-2480 / CIP No. 50729, in the amount of \$29,465.00
33. WS042821-07: Approve and Authorize Mayor and Finance Director to Sign Professional Services Agreement with Ferber Engineering Company, Inc. for the Dyess Avenue Reconstruction – Seger Drive to City Limits, Project No. 20-2630 / CIP 51282, in the Amount of \$260,030.00
  34. WS042821-09: Authorize Mayor and Finance Director to Sign an Amendment to the Original Agreement between the City of Rapid and Longbranch Civil Engineering, Inc. for Professional Engineering Services for St. Cloud Reconstruction – 5th to Highland Ct., Project No. 18-2487, CIP No. 51036, in the amount of \$18,702.50
  35. WS042821-10: Authorize Staff to Advertise for the 2021 Chip Seal Project, Project No. 2020-2620 / CIP 50549 for \$280,000.00
  36. WS042821-17: Approve Request from Tony Downs for a Variance to Waive the Requirement to Install Sidewalk Along Pevans Parkway, Rapid City, per City Ordinance 12.08.060

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

37. WS042821-16: Authorize Mayor and Finance Director to Sign Resolution No. 2021-042, A Resolution Authorizing the Director of Public Works to Grant Exceptions to the Infrastructure Design Criteria and Standard Specification for Public Works Construction
38. 21TP003: Acknowledge the Rapid City Metropolitan Planning Organization 2020 Traffic Volume Counts Report
39. WS042821-24: Authorize Mayor and Finance Director to Sign the FY21 Community Development Block Grant Contract for Behavior Management Systems, Inc.
40. WS042821-25: Authorize Mayor and Finance Director to Sign the FY20 CDBG-CV3 Community Development Block Grant Contract for Minneluzahan Senior Citizens
41. WS042821-26: Authorize Mayor and Finance Director to Sign the FY21 Community Development Block Grant Contract and Indentures of Restrictive Covenants for black Hills Works, Inc.
42. No. 03TI005 – Approve a request by City of Rapid City for a Resolution 2021-025 to Dissolve Tax Increment Financing District No. 40 for property generally described as being located west of South Highway 79 and north of East Fairmont Boulevard.
43. No. 05TI008 – Approve a request by City of Rapid City for a Resolution 2021-024 to Dissolve Tax Increment District No. 54 for property generally described as being located north of Mall Drive and west of Haines Avenue.

### ***Bid Award Consent Items***

44. CC050321-04.1 - Approve award of total bid for Pavement Rehabilitation Project – Elm Avenue, Project No. 19-2549 / CIP No. 50844 opened on April 27, 2021 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$353,770.00
45. CC050321-04.2 - Award bid for (1) One New Current Model Year Tandem Axle Truck with Elliptical Dump Body from Floyd's Truck Center with Northern Truck in the amount of \$131,900.00 after trade.

END OF CONSENT ITEMS

### **NON-CONSENT ITEMS** – Items 46 – 55

**Open Public Comment** – Items 46 – 55 (3-minute time limit per speaker)

**Close Public Comment**

### ***Ordinances***

46. WS041421-05: Second Reading of Ordinance No. 6464 – An Ordinance Establishing Chapter 8.40 regarding Nuisance Sidewalks and Amending Chapter 12.08 regarding Sidewalk Construction and Repair.

**Recommendation: Approve**

- 47. WS041421-24: Second Reading of Ordinance 6483 Regarding Supplemental Appropriation #2 for 2021.  
**Recommendation: Approve**
- 48. No. 21RZ011 - First Reading, Ordinance 6484, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for Doeck, LLC for a Rezoning request from General Agricultural District to Low Density Residential District for property generally described as being located at the western terminus of Coal Bank Drive.  
**Recommendation: Approve**
- 49. WS042821-08: First Reading of Ordinance No. 6486 Regarding Supplemental Appropriation #3 for 2021  
**Recommendation: Approve**

**Working Session Committee Items (NONE)**

**Community Development Items**

- 50. No. 21PL030 - A request by KLJ for Kirk Simet for a Preliminary Subdivision Plan for proposed Lots 1 and 2, Lots 15 thru 21 of Moon Meadows Ridge Subdivision, generally described as being located east of Moon Meadows Drive terminus.  
**Recommendation: Approve with Stipulations**
- 51. No. 21PL031 - A request by Longbranch Civil Engineering, Inc for Doeck, LLC for a Preliminary Subdivision Plan for proposed Lots 40 thru 43 of Block 4, Lot 44 of Block 10, Lots 4 thru 7 of Block 11, Lots 1 thru 12 of Block 16, Lots 1 thru 20 of Block 17, Lots 1 thru 9 of Block 18, Lots 1 thru 2 of Block 19 and Lots 10 thru 11 of Block 20 of Auburn Hills Subdivision, generally described as being located western terminus of Coal Bank Drive.  
**Recommendation: Approve with Stipulations**
- 52. No. 21PL032 - A request by Towey Design Group for Pink Cabin, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 12 of Block 3 of Moon Meadows Park Subdivision, generally described as being located west of Healing Way between Sammis Trail and Moon Meadows Drive.  
**Recommendation: Approve with Stipulations**
- 53. No. 21PL033 - A request by Towey Design Group for Pink Cabin, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 39 of Misty Meadows Subdivision, generally described as being located south of the Misty Woods Lane and Coal Bank Drive intersection.  
**Recommendation: Approve with Stipulations**

**Bid Awards**

- 54. CC050321-04.3 - Award bid for Concrete for Utility Service Locations to Prime Excavation in the amount of \$231,872.50.  
**Recommendation: Approve per SD Bid Law 5-18A-5(6)**

**2021-2022 Alcoholic Beverage License Renewals (50 Licenses all cleared by PD)**

55.

License #	Owner/Master Name	DBA	Address
RB-19402	INDEPENDENT ALE HOUSE LLC	INDEPENDENT ALE HOUSE	625 SAINT JOSEPH ST
RB-19770	MAIN STREET SQUARE INC.	MAIN STREET SQUARE	526 MAIN STREET
RB-20088	SOMEONES IN THE KITCHEN INC	SOMEONES IN THE KITCHEN	2210 HAINES AVE

RB-2049	ATLANTIS LLC	WATIKI INDOOR WATERPARK RESORT	1314 N ELK VALE RD
RB-2052	RAPID CITY ARTS COUNCIL INC	DAHL ARTS CENTER	713 7TH STREET
RB-20607	KATHMANDU BISTRO LLC	KATHMANDU BISTRO	727 MAIN ST
RB-20771	C C W LLC	HUHOT MONGOLIAN GRILL	1745 EGLIN ST STE 990
RB-20940	K & P LLC	HAY CAMP BREWING COMPANY	601 KANSAS CITY ST STE 1
RB-21252	DAKOTA SLICE LLC	BLAZE PIZZA	1325 EGLIN ST SUITE 100
RB-2275	M G OIL COMPANY	UNCLE SAM'S WEST	2730 WEST 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-24529	FRANKIE'S LLC	THIRSTY'S	819 MAIN
RB-24531	DAKOTA SLICE LLC	BLAZE PIZZA	515 MOUNTAIN VIEW RD
RB-25642	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1189	3275 CABELL ST
RB-25672	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1187	4030 CHEYENNE BLVD
RB-25940	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1188	2215 HAINES AVE
RB-2604	M G OIL COMPANY	MARKET SQUARE II	1624 EAST ST PATRICK STE 103
RB-27378	HAPPY FAMILY CO	BOKUJO RAMEN	518 MOUNT RUSHMORE RD
RB-2797	M G OIL COMPANY	LACROSSE STREET CASINO #1	720 LACROSSE ST BUILDING B SUITE 1
RB-2808	M G OIL COMPANY	JOKERS CASINO SOUTH	1320 MOUNT RUSHMORE RD STE C- 1
RB-2813	ROBERT W JOHNSON	CANYON LAKE PUB & CASINO	4116 JACKSON BLVD
RB-2946	MG OIL COMPANY	UNCLE SAMS SOUTH 3	2110 JACKSON BLVD SUITE 103
RB-2952	M G OIL COMPANY	RUSHMORE CASINO	1808 MOUNT RUSHMORE RD STE A

RB-2964	M.G. OIL COMPANY	THE PARK	707 MOUNTAIN VIEW RD
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	MG OIL COMPANY	JACKPOT CASINO TOO #3	1415 N LACROSSE SUITE 3-C
RB-2976	LU SHUN LLC	GREAT CHINESE RESTAURANT WALL	315 E NORTH ST
RB-2986	M.G. OIL COMPANY	THE PARK 2	707 MOUNTAIN VIEW RD SUITE B
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-3000	WR RAPID CITY VENTURES LP	MINERVA'S BAR & RESTAURANT	2111 N LACROSSE ST
RB-3004	M G OIL COMPANY	UNCLE SAM'S SOUTH	2110 JACKSON BLVD
RB-3005	M.G. OIL COMPANY	CHANCES CASINO 5	1565 HAINES AVE STE B-2
RB-3006	M G OIL COMPANY	HAPPY JACK'S EAST	909 E ST PATRICK ST #20
RB-3011	M G OIL COMPANY	LACROSSE STREET CASINO #2	720 LACROSSE ST BUILDING B SUITE 2
RB-3012	M G OIL COMPANY	BP CASINO	609 MT VIEW SUITE C-1
RB-3015	M G OIL COMPANY	RUSHMORE CASINO II	1808 MOUNT RUSHMORE RD STE B
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-3045	PIESANOS PACCHIA INC	PIESANO'S PACCHIA	3618 CANYON LAKE DR #121

RB-3791	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1190	3887 E HIGHWAY 44
RB-3809	WNRRC LLC	BUFFALO WINGS AND RINGS	5622 SHERIDAN LAKE ROAD #101
RB-3851	CORTEZ LLC	ALEX JOHNSON HOTEL	523 6TH ST
RB-3114	MG OIL COMPANY	LaCrosse Street Casino #3	720 LACROSSE ST SUITE 3
RB-3208	MG OIL COMPANY	Chances Casino #4	1565 HAINES AVE SUITE B1
RB-3219	MG OIL COMPANY	TOBY'S CASINO NORTH	720 E NORTH ST STE 100

**Mayor's Items (NONE)****Council Items & Liaison Reports (NONE)**Reconsideration NoticesMotion 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 56 – 61**Open Public Hearing (comment)** - Items 56 – 61 (3-minute time limit per speaker)**[Public Hearing Remains Open]****Close Public Hearing (comment)** - Items 56 – 61**CONSENT PUBLIC HEARING ITEMS** – Items 56 – 61Remove Items from the "Consent Public Hearing Items" and Vote on Remaining Consent Items**Community Development Items (NONE)****Alcohol Licenses**

56. 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 7<sup>th</sup> Street
57. 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

- 58. Rapid City Shrine Temple for a SPECIAL EVENT On-Sale Dealer License, an event scheduled for May 22, 2021 at 4091 Sturgis Road
- 59. Iron Phnx LLC DBA Iron Phnx, 3468 Sturgis Road for a Retail (on-sale) Liquor License TRANSFER from Wobbly Bobby (Inactive), 510 Main Street
- 60. 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

***Assessment Rolls (NONE)***

***Other Items Requiring Public Hearings***

- 61. WS042821-23: Authorize Mayor and Finance Director to Sign Resolution No. 2021-043 a Resolution to Enter into a Facility Licenses Agreement with Badlands Sabres Hockey Group LLC

END OF CONSENT PUBLIC HEARING CALENDAR

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

**EXECUTIVE SESSION**

To consult with legal counsel about proposed or pending litigation and contractual matters pursuant to SDCL 1-25-2(4).

**BILLS**

- 62. No. CC050321-01 – Bill List for May 3, 2021

**ADJOURN**