

PROCEEDINGS FOR THE CITY COUNCIL  
City of Rapid City, South Dakota  
June 7, 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, June 7, 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, John Roberts, Pat Jones and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Fire Chief Jason Culberson, Public Works Director Dale Tech, Parks and Recreation Director Jeff Biegler, Finance Director Pauline Sumption, Interim Community Development Director Vicki Fisher, Planning Projects Division Manager Sarah Hanzel, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

**ADOPTION OF AGENDA**

Motion was made by Armstrong, second by Lehmann to approve the agenda. Motion carried 10-0.

**PRESENTATION**

Mayor Allender presented the Above and Beyond Award to Rapid Skillz who have shown exceptional dedication to people with disabilities.

**GENERAL PUBLIC COMMENT**

Kittrick Jefferies, who represents Dakota Cannabis Consulting, is part of a group who has taken on studies and input regarding medical and recreational marijuana in the Black Hills. He offered his services to the city regarding Rapid City's new ordinance. Bill Evans, the Ranger Band is playing again this summer, which has been playing for 104 years. It is free and he invited the citizens to listen Wednesday nights for the next eight weeks.

**NON-PUBLIC HEARING ITEMS** -- Items 2 – 78

**CONSENT ITEMS** – Items 2 – 57

The following items were removed from the Consent Items:

13. WS060221-49: Approve Resolution 2021-059, A Step Increase and COLA Adjustment for Non-Union Employees
26. WS060221-11: Authorize Staff to Advertise for Bids 2021 Roof Replacement Project No. 21-2654 CIP No. 50098
42. WS060221-42: Authorize the Mayor and Finance Director to Sign an Infill Agreement between the City of Rapid City and Lazy P6 Land Company for the Construction of Public Improvements and Acceptance of H-Lots

Motion was made by Jones, second by Armstrong and carried to approve items 2-57 with the exception of items 13, 26, and 42. Motion carried 10-0.

***Approve Minutes***

2. Approve Minutes for the May 17, 2021 Regular Council meeting.
3. Approve Minutes for the May 20, 2021 Special Council meeting.

**Intent to Enter into a Lease Set for Hearing (June 21, 2021)**

- 4. The City of Rapid City intends to enter into a lease for property located at 1615 Sedivy Lane with Black Hills Lacrosse Association

**Vacation of Section Line Highway Set for Hearing (July 6, 2021)**

- 5. No. 21VR001 - A request by KTM Design Solutions, Inc for SSST, LLC for a Vacation of Section Line Highway for property generally described as being located south of southern terminus of Pahlmeyer Drive.

**Alcoholic Beverage License Applications Set for Hearing (June 21, 2021)**

- 6. Dakota Butcher – Rapid City Inc. DBA Dakota Butcher, 651 N. Creek Dr. Ste. 108, for a Package (off-sale) Liquor License TRANSFER from Nash-Finch Company DBA Family Fare #265 (Inactive)
- 7. Storming Crab Dakota LLC DBA Storming Crab Dakota, 1756 Eglin Street, for a new Retail (on-off sale) Wine and Cider License and a Retail (on-off sale) Malt Beverage & SD Farm Wine license

**Working Session Committee Consent Items**

- 8. WS060221-48: Approve Resolution No. 2021-057, A Resolution Establishing the City of Rapid City 2021 Archery Antlerless Deer Access Permit Program

RESOLUTION NO. 2021-057  
 A RESOLUTION ESTABLISHING THE CITY OF RAPID CITY  
 2021 ARCHERY ANTLERLESS DEER ACCESS PERMIT PROGRAM

WHEREAS, the deer population throughout the City of Rapid results in a number of conflicts between deer and people, including collisions between automobiles and deer that can result in extensive property damage, bodily injury, and in some cases even death; and

WHEREAS, the deer population can also cause property damage to home gardens, landscaping, and natural environments that are habitats for other species; and

WHEREAS, whitetail deer are a primary host to Black Legged (deer) ticks, the carrier of several human diseases, including Lyme Disease; and

WHEREAS, Chronic Wasting Disease, an always fatal neurological disease of cervids, has been found in the city limits of Rapid City and reducing deer densities has been indicated as one method that may limit the spread of the disease; and

WHEREAS, the Common Council recognizes that deer in urban areas, for the most part, lack predators to control deer populations and, in turn, deer in large numbers can cause significant habitat damage; and

WHEREAS, the City of Rapid City wishes to manage the deer population within the city limits of Rapid City; and

WHEREAS, the City of Rapid City adopted a revised deer management plan in 2012 entitled the Rapid City Deer Management Program in an effort to foster healthy deer populations; and

WHEREAS, sportsmen and women across the nation contribute the majority of the monies used to manage and conserve wildlife; and

WHEREAS, the City of Rapid City has an ordinance that generally prohibits archery deer hunting within City limits except for hunting by those individuals who obtain Access Permits pursuant to the City of Rapid City Archery Antlerless Deer Access Permit Program;

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the City establishes the following City of Rapid City Archery Antlerless Deer Access Permit Program in order to help manage the deer population within the city limits of Rapid City.

### **City of Rapid City Archery Antlerless Deer Program**

#### ***Permit Administration***

A limited public archery hunt has been set up to manage the deer population within the city limits of Rapid City. This antlerless deer hunting opportunity, called the Rapid City Archery Antlerless Deer Program, will be administered by South Dakota Game, Fish and Parks (SDGFP) and the Rapid City Police Department (RCPD).

SDGFP will accept online applications from hunters for special municipal licenses. SDGFP will administer a draw for the municipal licenses through its online license system. Applications will be accepted June 1st through July 1st. Successful applicants will be notified by July 15th. Any remaining licenses will be available on a first come, first served basis. Normal fees for antlerless licenses will apply.

#### ***Archery Hunting Licenses***

Those individuals successful in drawing a municipal license must attend an orientation briefing and pass a proficiency test before the license will be provided to the individual. Hunters successful in drawing a municipal license will have several options for utilizing additional licenses that are valid within the Rapid City hunting areas. Hunters are able to use any combination of the following archery licenses: Statewide Any Deer, West River Any Deer, Antlerless White-tailed deer and/or the municipal license that is valid within the described hunting units within Rapid City. Regardless of the license(s) used, only antlerless deer are allowed to be harvested. Only hunters who are successful in drawing a municipal license are authorized to hunt within city limits per city ordinance.

#### ***Rules and Regulations***

All big game regulations, as well as the following rules, would apply to anyone hunting within the city limits of Rapid City pursuant to the municipal license. Only hunters successful in drawing a municipal license are allowed to hunt within Rapid City:

- A hunter must be a resident of South Dakota.
- A hunter must be 18 years of age to hunt alone. A hunter under the age of 18 must be accompanied (within arm's reach) by a qualified adult supervisor.
- A hunter must possess a hunter safety education certificate.
- An individual successful in the municipal license draw will be required to pass a proficiency test prior to being allowed to participate in the hunt. The proficiency test will require a hunter to place 3 of 4 arrows in an 8" diameter circle at 30 yards with a broadhead tipped arrow and the archery equipment to be used while hunting within Rapid City.

- A hunter must attend a mandatory briefing and training held at the SDGFP Outdoor Campus - West located at 4130 Adventure Trail in Rapid City. Dates and times of the orientation and proficiency test will be sent to successful applicants.
- A hunter must obtain and display a Parking Permit distributed by SDGFP in his or her vehicle while the hunter is hunting in their assigned area.
- A hunter may only harvest antlerless deer.

Either SDGFP or RCPD may remove a hunter from the program for: failure to comply with the rules above and all big game regulations; the violation by a permittee of any provision of the Rapid City Municipal Code, state law, or federal law; or other good cause. A written order of revocation shall be hand-delivered, sent by first class mail to the permittee’s last known address, or sent by email to permittee’s last known email address. A written order of revocation is effective on the date that it is signed by either SDGFP or RCPD. A person who is removed from the program may appeal the revocation decision to the Common Council by submitting a written letter of appeal to the Rapid City Finance Officer or his or her designee within 14 calendar days of the effective date of the order of revocation. If, upon consideration, a majority of the Council votes to overturn the order of revocation, then the license shall be reinstated.

***Hunting Locations and Periods***

Hunters will be required to stay within the boundaries of their Hunting Area at all times; this may be different from the property boundaries. Hunters needing to retrieve downed game from outside of the Hunting Area will need to receive permission from the appropriate landowner or will be subject to trespass charges.

Temporary hunting blinds or trees stands will be allowed, but blinds may not be placed prior to a particular hunter’s access period and must be removed by the last day of their 28-day access window. Temporary tree stands may be used but the use of nails, screws, bolts or anything that will cause lasting damage to the tree is prohibited.

Hunting periods will be for 28 days starting on a Wednesday and ending on a Tuesday. In order to maximize hunter participation and opportunity, hunt periods will overlap with adjacent hunt periods as shown below. There will be no more than 2 hunters permitted to be hunting on a particular area at any given time. Hunting periods for 2021 will be as follows:

Sept 1-Sept 28

Sept 15-Oct 12

Sept 29-Oct 26

Oct 13-Nov 9

Oct 27-Nov 23

Nov 10-Dec 7

Nov 24-Dec 21

Dec 8-Jan 1

There will be five properties participating in the 2021 Rapid City Archery Antlerless Deer Program. All properties will have a maximum of one hunt area with the exception of the Bailey Property where there will be two hunt areas. There would be a maximum of 48 hunters licensed for this program during the fall and winter of 2021.

Dated this 7th day of June, 2021.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Director  
(SEAL)

- 9. WS060221-03: Approve Revision to Airport Rates and Charge for Airline Terminal Rent and Landing Fees
- 10. WS060221-37: Approve Resolution No. 2021-041 a Resolution of Intent to Enter into a Lease with Black Hills Lacrosse Association for Property Located at 1615 Sedivy Lane

RESOLUTION NO. 2021-041  
A RESOLUTION OF INTENT TO ENTER INTO A LEASE WITH  
BLACK HILLS LACROSSE ASSOCIATION 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 Black Hills Lacrosse Association for real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

A portion of the property Lot Four (4) of Dairyland Subdivision, Rapid City, Pennington County, South Dakota;

which property generally consists of two lacrosse fields; and

BE IT FURTHER RESOLVED that a hearing will be held on June 2, 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 7th day of June, 2021.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Director  
(SEAL)

- 11. WS060221-01: Approve Change Order for Purchase of Fire Apparatus through source Well (Former NJPA) in the Amount of \$98.00
- 12. WS060221-06: Approve change Order #2 for Purchase of Fire Apparatus through Source Well (Former NJPA) in the amount of \$3,225.00 for Addition of a Portable Generator, Poly Storage Module and Poly Tool Boards
- 14. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Gia Amato (RSVP+), Richard Cleveland (RSVP+), Sue Cole (RSVP+), Susan Douglas (RSVP+), Laurie Driscoll (RSVP+), Daniela Fortier (RSVP+), James Haeder (RSVP+), Marla Loken (RSVP+), Mariana Meza (RSVP+), Edith Miles (RSVP+), Dyan Nagel (RSVP+), Terry Nagel (RSVP+), Mary Nygaard (RSVP+), Darrell Pulscher (RSVP+), Roger Sorenson (RSVP+), Dennis Walkins (RSVP+)
- 15. WS060221-04: Acknowledge April 2021 General Fund Cash Balance Report
- 16. WS060221-16: Acknowledge March 2021 Sales Tax Report
- 17. WS060221-17: Approve Resolution No. 2021-054 a Resolution Declaring Miscellaneous Personal Property Surplus to be Surplus as Trade

Resolution #2021-054  
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: Storm Drainage (7401)  
For Deletion (trade):  
2001 International Dump Truck  
Vin# 1HTSHAAR61H354289

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 7th day of June, 2021.

CITY OF RAPID CITY  
s/Steve Allender  
Mayor

ATTEST:  
s/Pauline Sumption  
Finance Director  
(SEAL)

- 18. WS060221-18: Approve Resolution No. 2021-056 a Resolution Declaring Miscellaneous Personal Property Surplus to be Surplus as Trade

Resolution #2021-056  
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: Cemetery (860)

For Deletion (trade):

2014 STIHL WEED EATER CM1  
SERIAL# 297433721

2014 STIHL WEED EATER CM2  
SERIAL #297433735

2013 STHL WEED EATER CM4  
SERIAL #291011709

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 7th day of June, 2021.

CITY OF RAPID CITY  
s/Steve Allender  
Mayor

ATTEST:

s/Pauline Sumption  
Finance Director  
(SEAL)

- 19. WS060221-27: Approve Request for Property Tax Abatements as Follows: Bernice Boland (Tax ID 62343) 2019, \$665.00 and (Tax ID 62343) 2020, \$608.22. [Total for City of Rapid City: \$1273.22]
- 20. WS060221-02: Request from Fisk Surveying & Consulting Engineers, Inc. for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 12.08.060.C, Along the Lot Frontage of 1605 Sunnyvale Drive  
Staff Recommendation: Approve
- 21. WS060221-05: Request from Renner Associates, LLC for a Variance to Waive the Requirement to Install Sidewalk along Wilderness Canyon Road, 47th Ave., Reflection Ridge, and Wild Turkey Way, Rapid City, per City Ordinance 12.08.060  
Staff Recommendation: Approve
- 22. WS060221-07: Authorize Staff to Advertise for Bids Downtown Lighting Project Phase 4 CIP #51228 Engineers Estimate \$500,000.00
- 23. WS060221-08: Approve change Order 1F Apex Construction Services for South Middle School Storm Sewer Connection, Project #2592 for a Decrease of \$1,830.00
- 24. WS060221-09: Approve Change Order 1F Mainline Contracting, Inc. for Abandon Omaha Trunk Sewer, Project #2610 for a Decrease of \$7,301.76
- 25. WS060221-10: Approve change Order 1F Underground Construction, Inc. for Alta Vista Storm Sewer Improvement Project, Project #2595 for an Increase of \$2,350.00
- 27. WS060221-12: Authorize The Public Works Director or his designee To Apply For, And Accept And Administer If Awarded, The South Dakota Department Of Agriculture And Natural Resources (SDDANR) Volkswagen Settlement Grant For Reimbursement Of Up To 50% (Fifty Percent) For The Purchase Of A New Roll-Off Truck For The Solid Waste Collection Department. Purchase Price Not To Exceed \$150,000.00
- 28. WS060221-13: Authorize Mayor and Finance Director to Sign Amendment No. 3 to the Agreement between the City of Rapid City and FMG Engineering for Professional Engineering

- Services for Perrine and Unnamed Tributary Drainage Basin Design Plans (DBDPs) Amendment – Phase 2, Project No. 18-2430, CIP No. 51189.2 in the amount of \$18,560.00
29. WS060221-14: Authorize Mayor and Finance Director to Sign Agreement between the City of Rapid City and FMG Engineering for Racetrack Draw Drainage Basin Design Plan (DBDP) Update, Project No. 20-2628 / CIP No. 51315 in the amount of \$189,545.00
  30. WS060221-15: Request Authorization to Seek Proposals for Professional Services for Data Collection for 2021 Pavement Condition Index, Project No. 21-2656 / CIP # 51327
  31. WS060221-19: Authorize Public Works Director or Designee to Apply for, Accept and Administer If Awarded, a South Dakota Dept. of Agriculture and Natural Resources (SDDANR) Tire Disposal Event Grant for Cost Sharing for the Collection, Reuse, and/or Disposal Of Residential Waste Tires from the Landfill Service Area. Grant Request Total Estimated At \$100,000 with City Share Estimated At 20%.
  32. WS060221-20: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, LLC, for 2021 Water Facilities Arc Flash Analysis Assessment Report, Project Number 21-2635/CIP Number 51318. In the Amount of \$243,374.00
  33. WS060221-21: Authorize Staff to Advertise for Bids for the RC Landfill Cell #18 Debris Fencing & Phase 2 Berm Project No. 21-2641/CIP 51202.1; Estimated Construction Cost \$1,950,000.00
  34. WS060221-22: Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid City and HDR Engineering, Inc., for the WRF Aeration Basin Clariflocculator and Siphon Piping Construction, Project Number 20-2629/CIP Number 51129. In the Amount of \$596,964.00
  35. WS060221-23: Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid City and FMG Engineering, Inc. for the Springbrook Acres Water Main and PRV Abandonment, Project Number 21-2643/CIP Number 51262. In the Amount of \$190,417.00
  36. WS060221 24: Authorize Staff to Advertise Bids for IGT Subdivision Improvements - Water and Sewer, Project No. 20-2632/CIP No. 51306. Estimated Cost \$325,000.00
  37. WS060221-25: Authorize Purchase of 1 New Garbage Truck Chassis from Autocar Using Sourcwell Contract Pricing. Total Amount of \$163,450.00
  38. WS060221-26: Authorize Purchase of 1 New Garbage Truck Body from McNeilus Using Sourcwell Contract Pricing. Total Amount is \$155,083.00
  39. WS060221-28: Authorize The Public Works Director or his Designee to Apply for, and Accept and Administer if Awarded, the South Dakota Department of Agriculture and Natural Resources (SDDANR) Volkswagen Settlement Grant for Reimbursement of up to 50% (Fifty Percent) for the Purchase of a New Snow Plow for the Street Department. Purchase Price not to Exceed \$277,066.00
  40. WS060221-29: Authorize the Mayor and Finance Director to Sign Sewer Service Agreement between the City of Rapid City and Northdale Sanitary District
  41. WS060221-36: Authorize Removal of the Requirement that the Contractor Perform a Minimum of 50% of the Work for the Miscellaneous Improvements Projects, Facility Type Projects Digester Boiler Replacement, Project No. 21-2651 / CIP 51132.3
  43. WS060221-43: Authorize Mayor and Finance Director to Sign Infill Agreement between the City of Rapid City and Shurald and Nancy Swedlund for the Construction of a Turnaround and Acceptance of H-lot
  44. WS060221-45: Approve Updates to the Operating Manual and Bylaws for the Rapid City Trenching Board

***CIP Committee Consent Items***

45. No. CIP052121-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for May 2021.
46. No. CIP052121-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
47. No. CIP052121-04 – Approve Capital Plan for Fire Vehicles
48. No. CIP052121-05 – Approve Capital Plan for Parks & Recreation



- 49. No. CIP052121-06 – Approve Capital Plan for Information Technology
- 50. No. CIP052121-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
- 51. No. CIP052121-02 – Approve Capital Plan for PW Infrastructure

***Community Development Consent Items***

- 52. WS060221-33: Approve the Final FY20 Consolidated Annual Performance & Evaluation Report (CAPER)
- 53. WS060221-34: Authorize the Mayor and Finance Director to Sign the FY21 Community Development Block Grant Contract – Pennington County
- 54. WS060221-40: Authorize Mayor and Finance Director to Sign Corrected FY20 CDBG Funding Approval/Agreement
- 55. WS060221-41: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and the City of Box Elder for Waterpark Expansion Building Permits

***Bid Award Consent Items***

- 56. CC060721-04.1 - Approve award of total bid for 2021 Chip Seal Project, Project No. 20-2620 / CIP No. 50549 opened on June 1, 2021 to the lowest responsible bidder, Bituminous Paving, Inc. in the amount of \$267,716.00
- 57. CC060721-04.2 - Approve award of total bid for Saint Patrick Street Reconstruction, Project No. 15-2296 / CIP No. 50456 opened on June 1, 2021 to the lowest responsible bidder, Underground Construction, LLC in the amount of \$1,126,721.24, with an exception to Paragraph 7.40 of the Standard Specifications to allow a minimum of 35% of the work to be done by the contractor's own organization.

**END OF CONSENT ITEMS**

Mayor Allender read in item (WS060221-49) Approve Resolution 2021-059, A Step Increase and COLA Adjustment for Non-Union Employees. Motion was made by Nordstrom, second by Lehmann to continue to the September 7, 2021 city council meeting. Stroot explained contractually this had to be done by July 1, 2021. They are continuing the process to build the scale. They have a place holder until the plan is in place. Council agreed they would look at it before September 7, 2021, if things change. Motion was made by Nordstrom, second by Lehmann and carried to continue to September 7, 2021 meeting.

Mayor Allender read in item (WS060221-11) Authorize Staff to Advertise for Bids 2021 Roof Replacement Project No. 21-2654 CIP No. 50098. Tech said he would put the list together for Darla. Rod Johnson evaluated the roofs and put them in priority order. Motion was made by Jones, second by Drew to approve 10-0.

Mayor Allender read in item (WS060221-42) Authorize the Mayor and Finance Director to Sign an Infill Agreement between the City of Rapid City and Lazy P6 Land Company for the Construction of Public Improvements and Acceptance of H-Lots. Motion was made by Lehmann, second by Nordstrom to continue to the June 21, 2021 council meeting.

**NON-CONSENT ITEMS** – Items 58 - 78

***Ordinances***

**Second Readings**

Mayor Allender read in item (WS051221-26) Second Reading of Ordinance No. 6490 An Ordinance to Align the Municipal Election Date with the Designated Date for Primary Elections by Amending Section 1.16.020 of the Rapid City Municipal Code. Having passed it's first reading on May 17, 2021, motion was made by Drew, second by Jones that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Armstrong, Lehmann, Salamun, Evans,

Roberts, Jones and Drew; NO: None; whereupon, the Mayor declared the motion passed and Ordinance No. 6490 was declared duly passed upon its second reading.

Mayor Allender read in item (WS051221-29) Second Reading of Ordinance No. 6489, An Ordinance to Revise the Organization of the Department of Community Development by Amending Chapter 2.47 of the Rapid City Municipal Code. Having passed it's first reading on May 17, 2021, motion was made by Drew, second by Jones that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Armstrong, Lehmann, Salamun, Evans, Roberts, Jones and Drew; NO: None; whereupon, the Mayor declared the motion passed and Ordinance No. 6489 was declared duly passed upon its second reading.

Mayor Allender read in item (WS051221-30) Second Reading of Ordinance No. 6491, An Ordinance to Enact Rapid City Municipal Code Section 10.52.090 to Prohibit the Use of Certain Motor Vehicles on Downtown Sidewalks and to Amend Sections 10.52.010 and 10.64.210 Regarding Skateboards and Bicycles on Downtown Sidewalks. Having passed it's first reading on May 17, 2021, motion was made by Armstrong, second by Lehmann that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Armstrong, Lehmann, Salamun, Evans, Roberts, and Jones NO: Drew; whereupon, the Mayor declared the motion passed and Ordinance No. 6491 was declared duly passed upon its second reading.

### **Ordinances**

#### **First Readings**

Mayor Allender read in item (WS060221-39) First Reading of Ordinance No. 6497 an Ordinance Clarifying the Status and Legality of Medical Cannabis Establishments in City Limits Prior to the State's Issuance of Rules Governing such Establishments by Amending Titles 5 and 17 of the Rapid City Municipal Code. Jones and Nordstrom think the ordinance is too premature. Fisher stated it will take the city approximately six months to figure out the parameters for the zoning. The city needs an interim order approved by July 1. Fisher said public smoking is not allowed. Motion was made by Armstrong, second by Lehmann and carried 9-1, with Jones voting no, that Ordinance 6497 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 21, 2021.

Mayor Allender read in item (WS060221-31) First Reading of Ordinance No. 6380 an Ordinance Amending Chapter 15.04 of the Rapid City Municipal Code Regarding Buildings and Construction Administrative Procedures, Amending Chapter 15.08 Regarding Moving of Buildings, and Repealing Chapter 5.44 Regarding House Moving Businesses. Motion was made by Nordstrom, second by Evans and carried 10-0, that Ordinance 6380 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 21, 2021.

Mayor Allender read in item (WS060221-32) First Reading of Ordinance No. 6488 an Ordinance to Adopt the 2020 Edition of the National Electrical Code and to Amend Local Provisions by Amending Chapter 15.16 of the Rapid City Municipal Code. Motion was made by Jones, second by Nordstrom and carried 10-0 that Ordinance 6488 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 21, 2021.

Mayor Allender read in item (WS060221-35) First Reading of Ordinance No. 6382 an Ordinance Amending Sections of the Rapid City Municipal Code Relating Pertaining to the International Property Maintenance Code. Motion was made by Nordstrom, second by Evans and carried 10-0 that Ordinance 6382 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 21, 2021.

Mayor Allender read in item (WS060221-44) First Reading Of Ordinance No. 6482 An Ordinance To Amend And Clarify Provisions Concerning Trenching Contractor's Licenses By Amending Chapter 13.24 Of The Rapid City Municipal Code. Motion was made by Drew, second by Jones and carried 10-0 that

Ordinance 6482 be placed upon its first reading and the title was fully and distinctly read and second reading set for June 21, 2021.

**First Readings from Planning Commission Meeting**

Mayor Allender read in item (No. 21RZ013) First Reading, Ordinance 6492, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Michael Powell for a Rezoning request from General Commercial District to Medium Density Residential District for property generally described as being located at 306 E. Denver Street. Motion was made by Drew, second by Nordstrom and carried to approve Ordinance 6492 be placed upon first reading and the title was fully and distinctly read and second reading set for Monday, June 21, 2021. Motion carried 10-0.

Mayor Allender read in item (No. 21RZ014) First Reading, Ordinance 6493, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital 4, LLC for a Rezoning request from Light Industrial District to Medium Density Residential District for property generally described as being located east of North Valley Drive terminus. Motion was made by Drew, second by Strommen and carried to approve Ordinance 6493 be placed upon first reading and the title was fully and distinctly read and second reading set for Monday, June 21, 2021. Motion carried 10-0.

Mayor Allender read in item (No. 21RZ015) First Reading, Ordinance 6494, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Towey Design Group for Pink Cabin LLP for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located west of Healing Way between Moon Meadows and Sammis Trail. Motion was made by Drew, second by Nordstrom and carried to approve Ordinance 6494 be placed upon first reading and the title was fully and distinctly read and second reading set for Monday, June 21, 2021. Motion carried 10-0.

Mayor Allender read in item (No. 21RZ016) First Reading, Ordinance 6495, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for Coldwell Banker BlackHills Legacy for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court. Motion was made by Drew, second by Lehmann and carried to approve Ordinance 6495 be placed upon first reading and the title was fully and distinctly read and second reading set for Monday, June 21, 2021. Motion carried 10-0.

Mayor Allender read in item (No. 21RZ017) First Reading, Ordinance 6496, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for Coldwell Banker BlackHills Legacy for a Rezoning request from General Agricultural District to Low Density Residential District II for property generally described as located north of Catron Boulevard between Wellington Drive and Tartan Court. Motion was made by Nordstrom, second by Evans and carried to approve Ordinance 6496 be placed upon first reading and the title was fully and distinctly read and second reading set for Monday, June 21, 2021. Motion carried 10-0.

***Working Session Committee Items***

Mayor Allender read in item (WS060221-38) Approve Concession Agreement with Canyon Lake Resort for Property Located at 2720 Chapel Lane. Motion was made by Jones, second by Roberts and carried to approve 10-0.

Mayor Allender read in item (WS060221-30) Request by Stephanie Hurd for a determination by the City Council that there are no feasible and prudent alternatives to the alterations contributing secondary structure in a historic district located at 916 Saint Charles 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 Salamun, second by Nordstrom to approve. Hanzel had put the historical commission approval at the bottom of the memo. Motion carried 10-0.

Mayor Allender read in item (WS060221-46) Approve Financial and Rate Setting Policies for the Solid Waste Utility. Motion was made by Lehmann, second by Armstrong to continue to the July 6, 2021 city council meeting. Tech indicated they needed more feedback from the public. The policy needs to be approved not the fees. Substitute motion by Lehmann, second by Armstrong to approve. Motion carried 10-0.

Mayor Allender read in item (WS060221-47) Approve Resolution No. 2021-058 A Resolution Amending Certain Fees to be Charged Specific to the Solid Waste Division of Public Works. Motion was made by Lehmann, second by Roberts to continue the item to the July 6, 2021 city council meeting. Tech is waiting for more public input. Nothing planned to reduce any services. Roberts left at 7:56 p.m. Tech explained that residents can apply for the utility rate relief program with the city. Roberts returned at 7:58 p.m. Drew wanted to approve the item tonight. Motion carried to continue this item to the July 6, 2021 city council meeting, 9-1 with Drew voting no.

### ***Community Development Non-Consent Items***

Mayor Allender read in item (No. 21PL040) A request by Longbranch Civil Engineering, Inc for Coldwell Banker Black Hills Legacy for a Preliminary Subdivision Plan for proposed Lots 1 thru 2 of Block 1, Lots 1 thru 17 of Block 2 and Lots 1 thru 22 of Block 3 of Catron Ridge Subdivision, generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court. Motion was made by Drew, second by Roberts to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, a permit shall be obtained from the South Dakota Department of Transportation in compliance with South Dakota Administrative Rule 70:09:03:0 for access to US16B/Catron Boulevard. In addition, a Traffic Impact Study shall be submitted for review and approval if deemed necessary; 2. Upon submittal of a Development Engineering Plan application, construction plans for Tall Grass Drive, a local street, shall be submitted for review and approval showing the street located in a minimum 62-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Pinnacle Court, a local street, shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual and the permanent and temporary cul-de-sac(s) shall meet the design standards set forth in Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans providing a water main along Catron Boulevard from Tall Grass Drive to the east lot line of the property shall be submitted for review and approval; 5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 7. 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; 8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 10.

Prior to submittal of a Final Plat application, the property shall be rezoned from General Agriculture District to Low Density Residential District II and Medium Density Residential District, respectively, to allow the proposed 39 single family residential lots and one apartment lot; 11. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements, including the proposed Drainage Lot. In addition, Major Drainage Easements shall be dedicated for all drainage improvements; 12. 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 the residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 13. 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; 14. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property with the Rapid City Fire Department. In addition, all mitigation efforts shall be completed prior to submittal of a Final Plat application; 15. 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, 16. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor Allender read in item (No. 21PL041) A request by FMG Engineering for Rapid City Economic Development Foundation for a Preliminary Subdivision Plan for proposed Lot 10 of Block 1 of South Creek Industrial Park, generally described as being located south of St. Patrick Street, east of S.D. Highway 79. Motion was made by Jones, second by Weifenbach to approve with the following stipulations: 1. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of the proposed Major Drainage Easements; and, 2. Upon submittal of a Final Plat application, the plat document shall show all necessary easements.

#### **2021-2022 Alcoholic Beverage License Renewals**

77. License RB-26097, DNJ, LLC DBA Maple Street BBQ, 2200 N Maple Ave Unit 330.  
78. License RB-24529, Roman Empire LLC, DBA Thirsty's, 819 Main Street.

#### **PUBLIC HEARING ITEMS** – Items 79 - 81

#### **CONSENT PUBLIC HEARING ITEMS** – Items 79

#### ***Alcohol Licenses***

Mayor Allender read in the item: Seed Studios LLP, DBA Aby's, 406 5<sup>th</sup> Street, Suites 400 & 500, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and Retail (on-off sale) Wine and Cider License. Motion was made by Drew, second by Lehmann and carried to approve 10-0.

END OF CONSENT PUBLIC HEARING CALENDAR

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Items 80 - 81

Mayor Allender read in item (No. 21RZ012) Second Reading, Ordinance 6485, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by John Roberts for Richard and Jennifer Kincaid for a Rezoning request from Low Density Residential District to Light Industrial District for property generally described as being located at 3775 Dyess Avenue. Having passed its first reading on May 17, 2021, motion was made by Lehmann, second by Jones that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew; NO: None; Abstain: Roberts; whereupon the Mayor declared the motion passed and Ordinance No. 6485 was declared duly passed upon its second reading.

Mayor Allender read Item (No. 21CA001) A request to approve Resolution 2021-052 by KTM Design Solutions, Inc. for 605 Storage LLC for a Comprehensive Plan Amendment to the Major Street Plan for property generally described as being located at 3276 and 3300 Cambell Street. Motion was made by Weifenbach, second by Jones that this item be continued to the June 21, 2021 city council meeting. Motion carried 10-0.

### **EXECUTIVE SESSION**

Motion was made by Lehmann, second by Armstrong and carried to go into Executive Session at 8:08 p.m. for the purposes permitted by SDCL 1-25-2(3), to consult with legal counsel about proposed or pending litigation and contractual matters. Motion was made by Armstrong, second by Nordstrom and carried to come out of Executive Session at 8:55 p.m. with all members present except for Evans.

### **BILLS**

#### BILL LIST - JUNE 7, 2021

P/ROLL PERIOD END 05/08/21, PD 05/14/21	1,937,956.11
P/ROLL PERIOD END 05/22/21, PD 05/28/21	1,990,419.08
CDEV P/ROLL PERIOD END 05/08/21, PD 05/14/21	2,381.84
CDEV P/ROLL PERIOD END 05/22/21, PD 05/28/21	2,481.85
PIONEER BANK & TRUST, 05/08/21 P/ROLL TAXES, PD 05/14/21	518,434.48
PIONEER BANK & TRUST, 05/22/21 P/ROLL TAXES, PD 05/28/21	523,235.95
CDEV PIONEER BANK & TRUST, 05/08/21 P/ROLL TAXES, PD 05/14/21	555.60
CDEV PIONEER BANK & TRUST, 05/22/21 P/ROLL TAXES, PD 05/28/21	567.47
SOUTH DAKOTA DEPARTMENT OF REVENUE, APR21 SALES TAX PAYABLE, PD 05/25/21	39,345.74
SOUTH DAKOTA DEPARTMENT OF REVENUE, APR21 EXCISE TAX PAYABLE, PD 05/25/21	52.75
SOUTH DAKOTA DEPT OF REVENUE, APR21 CCTR SALES TAX PAYABLE, PD 05/25/21	33,059.24
WELLMARK INC, HEALTH CLAIMS THROUGH 05/14/21, PD 05/20/21	213,633.81
WELLMARK INC, HEALTH CLAIMS THROUGH 05/21/21, PD 05/27/21	138,302.47
WELLMARK INC, HEALTH CLAIMS THROUGH 05/28/21, PD 06/03/21	288,488.91
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 05/24/21, PD 05/25/21	7,980.11
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 06/01/21, PD 06/02/21	3,182.20
SDRS-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE- STERTZ J, PD 05/14/21	45.00
SDRS-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE- DRUCKREY R, PD 05/28/21	45.00
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 05/19/21, PD 05/20/21	6,228.01
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 05/26/21, PD 05/27/21	5,180.87
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 06/02/21, PD 06/03/21	6,023.19
US BANK, CREDIT CARD CHARGES, PD 06/01/21	45,770.76
US BANK, INT-2021 GROSS RECEIPTS TAX BOND, PD 05/27/21	3,704.35
US DEPT OF TREASURY-IRS, 2018 ADDITIONAL PAYROLL TAXES, PD 05/14/21	4,674.35
US DEPT OF TREASURY-IRS, 2019 ADDITIONAL PAYROLL TAXES, PD 05/14/21	7,061.82
US DEPT OF TREASURY-IRS, 2020 ADDITIONAL PAYROLL TAXES, PD 05/14/21	8,404.82
AR GROUP LLC, TID39 ANAMOSA/AR GROUP LLC, PD 05/24/21	10,629.81
BANK WEST, TID47 TOWER RD, PD 05/24/21	121,894.25
BANK WEST, TID56 RUSHMORE CROSSING, PD 05/24/21	749,439.29
BANK WEST, TID65 MINNESOTA ST, PD 05/24/21	387,455.41
BANK WEST, TID70 CATRON BLVD, PD 05/24/21	626,363.16
CITY OF RAPID CITY, TID39 ANAMOSA/AR GROUP LLC, PD 05/24/21	10,629.80
CITY OF RAPID CITY, TID64 CABELA'S, PD 05/24/21	822,765.95
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV,	

PD 05/24/21	183,784.59
GREAT WESTERN BANK, TID72 E ST JOSEPH ST, PD 05/24/21	25,994.10
MARKET SQUARE LLC, TID52 E ST CHARLES ST, PD 05/24/21	13,822.76
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 05/21/21	1,976.07
BLACK HILLS ENERGY, ELECTRICITY, PD 05/21/21	107,746.38
BLACK HILLS ENERGY, ELECTRICITY, PD 05/27/21	114,715.73
BLACK HILLS ENERGY, ELECTRICITY, PD 06/03/21	283.30
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 05/21/21	31,862.54
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 05/27/21	5,718.12
COMPUTER BILL LIST,	10,066,276.54
CDEV COMPUTER BILL LIST	212.90
SUBTOTAL	19,068,786.48
RSVP, P/ROLL PERIOD END 05/08/21, PD 05/14/21	2,648.87
RSVP, P/ROLL PERIOD END 05/22/21, PD 05/28/21	2,539.51
RSVP, PIONEER BANK & TRUST, 05/08/21 P/ROLL TAXES, PD 05/14/21	606.73
RSVP, PIONEER BANK & TRUST, 05/22/21 P/ROLL TAXES, PD 05/28/21	602.16
RSVP, COMPUTER BILL LIST	1,728.17
TOTAL	19,076,911.92

Sumption presented the bill list of \$19,076,911.92. Motion was made by Salamun, second by Jones and carried to authorize (No. CC060721-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 9-0, with Evans not returning from Executive Session.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Lehmann and carried to adjourn the meeting at 8:56 p.m.

Dated this 7th day of June, 2021.

CITY OF RAPID CITY  
s/Steve Allender  
 Mayor

ATTEST:  
s/Pauline Sumption  
 Finance Director  
 (SEAL)

Published at the approximate cost: \_\_\_\_\_