

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
Monday, August 16, 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, August 16, 2021 at 6:30 P.M.

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

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Public Works Director Dale Tech, Parks and Recreation Director Jeff Biegler, Finance Director Pauline Sumption, Interim Community Development Director Vicki Fisher, IT Director Jim Gilbert, Fire Chief Jason Culberson, Assistant City Attorney Kinsley Groote, Assistant City Attorney Carla Cushman, The Monument General Manager Greg Baltzer, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Lehmann, second by Jones to adopt the agenda. Motion carried 9-0.

GENERAL PUBLIC COMMENT (3-minute time limit per speaker)

Neal Beets spoke on behalf of his daughter who received an enormously erroneous water bill. He does not feel there is a leak or a running faucet. The water department said they would make sure the remote device is checked for accuracy. He feels the problem will be resolved. Sean Jewett, local AFSCME Union representative addressed the council regarding all employees receiving hazard pay not just essential police officers and firemen. He would like the hazard pay reconsidered.

NON-PUBLIC HEARING ITEMS -- Items 1 – 42

Chuck Henrie spoke on items WS081121-02 and WS081121-03 and wanted to recognize essential employees for their work during COVID.

CONSENT ITEMS – Items 1 – 33

The following items were removed from the Consent Items:

25. WS081121-18: Approve Request for Interfund Loan of \$1,056,260 Between SAB28 Fund and The Monument Fund.

Motion was made by Evans, second by Lehmann and carried to approve items 1-33 with the exception of item 25.

Approve Minutes

1. Approve Minutes for the August 2, 2021 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (September 7, 2021)

2. Breakroom Billiards & Darts LLC DBA Breakroom Billiards, 355 11th Street, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License TRANSFER from D & S Time Square Inc. DBA Breakroom Billiards
3. Dolgen Midwest, LLC DBA Dollar General Store #20846, 3402 Haines Avenue for a new Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license

- 4. Z'Mariks Noodle Café, LLC DBA Z'Mariks Noodle Café LLC, 2335 W Main Street for a new Retail (on-off sale) Malt Beverage & SD Farm Wine license
- 5. Zymurcracy for a SPECIAL EVENT on-sale malt beverage license for an event scheduled for September 18, 2021 at 1301 Sheridan Lake Road on behalf of Storybook Island
- 6. Western Dakota Tech Foundation for a SPECIAL EVENT on-sale malt beverage license and a on-sale wine license for an event scheduled for October 21, 2021 at 800 Mickelson Drive on behalf of Western Dakota Tech.
- 7. Field Enterprises LLC DBA Black Hills Party Pub & Pedaler, 629 Main Street for a new Retail (on-off sale) Malt Beverage and SD Farm Wine License
- 8. The Bestro LLC, DBA The Bestro, 333 Omaha St, Suite 4 for a Retail (on-sale) liquor license TRANSFER from The Retired Enlisted Assoc Chapter 29 (TREA) DBA Chapter #29
- 9. Senior Citizens Inc. DBA Canyon Lake Activity Center for a SPECIAL EVENT on-sale malt beverage license and on-sale wine license on October 1, 2021 and October 16, 2021 at 2900 Canyon Lake Drive
- 10. Black Hawk Oil, Inc. DBA Mr. Liquor, 3609 Sturgis Road for a Package (off-sale) Liquor license (Inactive) TRANSFER from DTJ, LLC DBA DTJ, LLC

Working Session Committee Consent Items

- 11. WS081121-02: Allow Mayor, Finance Officer, and Fire Chief to sign a joint powers agreement between the Fire Department and the State of South Dakota.
- 12. WS081121-03: Authorize Staff to Apply for and Accept if Awarded, the LEPC (Local Emergency Planning Committee) Grant in the amount of \$4,332.58.
- 13. WS081121-04: Authorize Staff to Apply for and Accept if Awarded The South Dakota Department of Health- Community Health Worker Grant Application (SD DOH-CHW) up to the amount of \$50,000. This is a non-cost matching grant, with no cost to the department or the city.
- 14. WS081121-08: Authorize Mayor and Finance Officer to Sign Contract and Statement of Work for Internet Services Between SDN Communications (SDN) and the City of Rapid City (City)
- 15. Acknowledge the Following Volunteers for Worker's Compensation Purposes: RSVP - Orin Bader, William Bosch, Gary Goodrich, Joanne Goodrich, Karen Greetis, Janeen Larsen, Linda Lester, Charles (Mike) Madler, Larry Miller, Sam Perry, Donald Petersen, Robin Pladson, Gary Renner, Jon Veltman, Betty Weyrauch
- 16. WS081121-09 Approve Resolution 2021-076 – Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2021-076
 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 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____

	CUSTOMER NAME	ID#	CLEAN UP ADDRESS	MAILING ADDRESS	LEGAL DESCRIPTION	TOTAL AMOUNT DUE INCLUDES \$100.00
1	SHARP, ROBERT A. & JOYCE L.	32477	135 TALLENT ST	7980 KIMBERWICK RD, RAPID CITY SD 57703	LOT 4-5, BLOCK 18, SOUTH PARK ADD	\$ 230.00
2	HALL, DENNIS D	32498	2332 WISCONSIN AVE	2332 WISCONSIN AVE, RAPID CITY, SD 57701	LOT 40-42, BLOCK 19, SOUTH PARK ADD	\$ 270.00
3	WILLIAMS, DOUGLAS B	20161	3408 W. SOUTH ST	3408 W SOUTH STREET, RAPID CITY, SD 57702	E30' OF LOT 19 & ALL OF LOT 20, BLOCK 2, BROOKSIDE	\$ 210.00
4	GITTINGS, ROXIE	33184	4518 SOUTH CANYON	4518 SOUTH CANYON RD, RAPID CITY, SD 57702	LOT 17-18, STANLEY TRACT	\$ 330.00
5	BOENIG, APRIL	27363	911 HAINES AVE	911 HAINES AVE, RAPID CITY, SD 57701	LOT 9-10, BLOCK 74, NORTH RAPID ADD #2	\$ 230.00
6	HAUK JOINT LIVING TRUST HAUK TRUSTEES, FRANK A & SHERI L	26321	2522 BUENA VISTA DR	2522 BUENA VISTA DR, RAPID CITY, SD 57702	LOT 9R, BLOCK 9, MOUNTAIN VIEW SUBD	\$ 290.00

7	RCSD RETAIL LLC RCAA OWNER LLC	67520	1845 HAINES AVE	145 HUDSON ST STE 5C, NEW YORK, NY 10013-2149	LOT 2A, SHOPKO ADD	\$ 700.00
8	ANDERSON, ANNA E	27312	1108 N 7TH ST	1108 N 7TH ST, RAPID CITY, SD 57701	LOT 19-20, BLOCK 48, NORTH RAPID ADD #2	\$ 290.00
9	AUWERTER, CHRIS	5996	4505 PATRIOT LN	4505 PATRIOT LN, RAPID CITY, SD 57701	LOT 15, BLOCK 4, MALLRIDGE SUBD	\$ 195.00
10	DEBLEN INVESTMENTS	38272	SHERIDAN LAKE RD	1284 WOODRIDGE DR, RAPID CITY, SD 57701	TRACT A, AUTUMN HILLS SUBD	\$ 420.00
11	DAVIS, JAMES A	31539	1701 LODGE ST	1701 LODGE ST, RAPID CITY, SD 57701	LOT 29, LESS LOT H1, BLOCK 3, SIOUX PARK	\$ 270.00
12	JELLINGS, RYAN	66831	1223 GLADYS ST	1223 GLADYS ST, RAPID CITY, SD 57701	LOT 47, BLOCK 2, RAINBOW RIDGE SUBD	\$ 230.00
13	GOOD VOICE ELK, SYNTHIA V.	62870	28 MELANO ST	28 MELANO ST, RAPID CITY, SD 57701	BLOCK 3, LOT 15, BROOKFIELD SUBD	\$ 355.00
14	BITTNER, CYNTHIA L	25277	804 SILVER ST	804 SILVER ST, RAPID CITY, SD 57701	LOT 11-12, BLOCK 2, MALLOW'S ADD	\$ 210.00

- 17. WS081121-10: Approve Change Order #3 to Muth Electric, Inc. for Downtown Lighting Project Phase 2, Project 20-20-2613 / CIP 51228 for an increase of \$7,878.00.
- 18. WS081121-11: Approve Change Order #1F to J & J Asphalt for Pavement Rehabilitation Project – Mary Drive, Project No. 19-2545 / CIP 50844 for a decrease of \$14,467.73.
- 19. WS081121-12: Approve Resolution 2021-080 A Resolution Appointing the Public Works Director as City Representative to a Regional Nonprofit Corporation Established to Study and Pursue Additional Water Sources for West River Residents

RESOLUTION 2021-080
A RESOLUTION APPOINTING THE PUBLIC WORKS DIRECTOR AS
THE CITY'S REPRESENTATIVE TO A REGIONAL NONPROFIT CORPORATION
ESTABLISHED TO STUDY AND PURSUE ADDITIONAL WATER SOURCES
FOR WEST RIVER RESIDENTS

WHEREAS, western South Dakota, including Rapid City, has a future need for additional sources of quality domestic water; and

WHEREAS, a collaboration of governmental entities, including cities, rural water systems, water districts, and tribal governments, is in the process of forming a nonprofit corporation, which may be called the Western Dakota Regional Water System, Inc.; and

WHEREAS, the regional nonprofit will study the feasibility of obtaining water from the Missouri River and other sources and will likely take future actions to pursue funding sources to provide additional water sources to the corporation’s members; and

WHEREAS, Rapid City staff have been involved with the formation of the regional nonprofit and supportive of the mission of studying and pursuing additional water sources to the area; and

WHEREAS, the Common Council of the City of Rapid City is in support of the mission and efforts of the regional nonprofit being established for these purposes and the Common Council wishes for the City to become a member of the nonprofit corporation; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to designate the Public Works Director to represent the City of Rapid City as part of the regional nonprofit (which may be called Western Dakota Regional Water System, Inc.) and to serve on the Board of Directors of the nonprofit corporation if elected by the membership.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Rapid City resolves to be a member of the regional nonprofit established for the purposes outlined in this resolution, unless and until the Council takes further action to terminate its membership or otherwise alter its involvement in the regional nonprofit.

BE IT FURTHER RESOLVED that the Common Council of the City of Rapid City designates the Public Works Director to serve as its representative to the regional nonprofit and authorizes the Public Works Director to serve on the Board of Directors if elected and to take action to support and participate in the efforts of the corporation to study, fund, and construct additional water sources to the area, so long as the City remains a member of the nonprofit. The Public Works Director shall annually report to the Council regarding the activities of the nonprofit corporation.

BE IT FURTHER RESOLVED that if the Public Works Director position is open, then the Mayor may designate himself/herself as the City’s representative to the regional nonprofit or may appoint another City representative to serve as representative until the Public Works Director position is filled.

BE IT FURTHER RESOLVED that the Common Council authorizes the Public Works Director to pay from his or her budget any fees or dues required by the City’s membership in the regional nonprofit.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

- 20. WS081121-13: Authorize Mayor and Finance Officer to sign agreement between the City of Rapid City and RCS Construction, Inc. for 2020 Miscellaneous Improvements Projects - Water Reclamation Facility Digester Boiler Replacement, Project No. 21-2651/ CIP No. 51132.3. for an amount not to exceed \$373,500
- 21. WS081121-14: Authorize Mayor and Finance Officer to sign Change Order No. 2 with Veolia ES / Technical Solutions, LLC (Contractor) for 2021 Collection and Disposal of Household Hazardous Waste (HHW) One-day event for Rapid City Solid Waste Customers, Project Number: 2572 / CIP No. 51206 in the amount of \$70,452.28.
- 22. WS081121-15: Authorize the Mayor and Finance Director to Sign Resolution No. 2021-074 A Resolution Establishing a Maximum Connection Fee for Sewer Construction Projects in the Source Water Protection Area.

RESOLUTION 2021-074
A RESOLUTION ESTABLISHING A MAXIMUM CONNECTION FEE FOR SEWER
CONSTRUCTION PROJECTS IN THE SOURCE WATER PROTECTION AREA

WHEREAS, a Source Water Protection Study completed for the City by Stanley Consultants in 2009 (City Project No. W07-1684) recommended the City eliminate on-site wastewater systems in sensitive aquifer recharge areas by, among other things, extending public sewers into these areas; and

WHEREAS, when the City completes these sewer extension projects, it generally requires the property owners to pay a connection fee to reimburse the City for their proportionate cost of the sewer utility prior to connection; and

WHEREAS, the imposition of high connection fees discourages people from abandoning their current on-site wastewater system and connecting to the City's sewer system; and

WHEREAS, therefore, in 2010, the City adopted Resolution No. 2010-168 to establish a maximum connection fee of \$7,500 for properties located in the source water protection areas, to encourage residents to abandon on-site wastewater systems and connect to the City's sewer system; and

WHEREAS, because of increasing construction costs, the existing fee of \$7,500 resulted in the City funding a large portion of these projects; and

WHEREAS, the City now wishes to update these rates to reflect today's construction costs and to better incentivize property owners to connect to City gravity sewer by adopting a discount for earlier connection; and

WHEREAS, the Common Council of the City of Rapid City finds that it is in the best interests of the City to cap the connection fee of sewer extension projects in areas identified in the Source Water Protection Study in order to encourage residents to abandon their on-site wastewater systems and connect to the City's sewer system.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that any construction fees imposed pursuant to Resolution No. 2010-168 will remain capped at \$7,500.

BE IT FURTHER RESOLVED that any new sewer connection / construction fees adopted after this Resolution for any sewer extension projects identified by the Public Works Director or his/her designee as source water protection projects be capped at \$12,000 per property.

However, the discounted rate for connection within the first year after the date of approval of the construction fee resolution is \$7,500. The discounted rate for connection within the second year after the date of approval of the construction fee resolution is \$10,000. These discounts apply only to construction fees that exceed \$12,000 and are therefore capped at that amount per this resolution.

BE IT FURTHER RESOLVED that this policy will apply only to sewer extension projects located within City limits.

BE IT FURTHER RESOLVED that this policy will not preclude the obligation of the property owner to pay any other construction fees, tapping fees, inspection fees, permit fees, etc. that are required for a connection to the City sewer system.

BE IT FURTHER RESOLVED that the determination of what constitutes a source water protection project will be based on the 2009 Source Water Protection Study and as determined by the Public Works Director or his/her designee.

BE IT FURTHER RESOLVED that Resolution 2010-168 *A Resolution Establishing a Maximum Connection Fee for Sewer Construction Projects Identified in the Source Water Protection Study (W07-1684) prepared by Stanley consultants in July 2009 is hereby repealed.*

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

- 23. WS081121-16: Request Authorization to Seek Proposals for Engineering Services for Signal Drive and Kellogg Place Street and Utility Reconstruction, Project No. 21-2670 / CIP No. 51170.
- 24. WS081121-17: Request from KTM Design Solutions Inc., on behalf of WAUSAU SUPPLY CO. for a variance to waive the requirement to install sidewalk along 3356 Dyess Ave., Rapid City, per RCMC 12.08.060.
- 26. WS081121-19: Authorize Mayor and Finance Officer to sign Amendment No. 1 to the Agreement between the City of Rapid City and MA Mortenson Company for Scope of Work related to Civic Center Expansion, Project No. 2452
- 27. WS081121-20: Approve Resolution No. 2021-081, a Resolution Concerning Tax Sale Certificate No. 170359

Resolution No. 2021-081
A RESOLUTION CONCERNING TAX SALE CERTIFICATE NO. 170359

WHEREAS, SDCL 9-27-9 authorizes the City of Rapid City to purchase the assignment of tax sale certificates for property located within the limits of the City; and

WHEREAS, Pennington County currently holds Tax Sale Certificate No. 170359 for property legally described as Tract A, Autumn Hills Subdivision, Rapid City, South Dakota; and

WHEREAS, this property abuts Sheridan Lake Road and purportedly includes City drainage easements and a utility easement; and

WHEREAS, the City has a number of special assessments outstanding as well as other taxes belonging to the municipality against such property; and

WHEREAS, under the recommendation of the Public Works Department, the Common Council finds it in the best interest of the City to purchase the assignment of Tax Sale Certificate No. 170359 from the County.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Finance Director is authorized to demand of the Pennington County Treasurer an assignment to the City of Tax Sale Certificate No. 170359. The Finance Director is authorized to pay the Pennington County Treasurer for the assignment of the tax certificate in accordance with SDCL 9-27-9.

BE IT FURTHER RESOLVED that, if it is necessary in accordance with the City purchasing the assignment of such certificate, the Finance Director is authorized to abate or write off any special assessments or other taxes owing to the City for this property.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

- 28. WS081121-21: Confirm the reappointment of Michael Magda to the Rapid City Area Air Quality Board.
- 29. WS081121-24: Approve Resolution No. 2021-075 to Update Petty Cash Funds and Change Funds

RESOLUTION 2021-075
A RESOLUTION TO UPDATE PETTY CASH FUNDS AND CHANGE FUNDS

WHEREAS, the City Council previously adopted Resolution 2019-018 Re-Establishing Petty Cash Funds and Change Funds; and

WHERE AS, the City Council previously adopted Resolution 2019-091 A Resolution to Update Petty Cash and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2020-004 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-045 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-068 A Resolution to Update Petty Cash Funds and Change Funds,

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the following adjustments are necessary for the City to continue to operate effectively:

Parks & Rec	Parkview Concession Change Fund	(\$50.00)
Parks & Rec	Hilton Concession Change Fund	(\$50.00)
Parks & Rec	Horace Mann Concession Change Fund	(\$50.00)
Parks & Rec	Swim Center Cash Drawer Change Fund	\$300.00
Parks & Rec	Ice Arena Change Fund	\$900.00

NOW, THEREFORE, BE IT RESOLVED, that the Parks & Rec Parkview Concession Change Fund is decreased by \$50.00; Parks & Rec Hilton Concession Change Fund is decreased by \$50.00; Parks & Rec Horace Mann Concession Change Fund is decreased by \$50.00; Parks & Recreation Swim Center Cash Drawer Change Fund is increased by \$300.00; and the Parks & Rec Ice Arena Change Fund is increased by \$900.00.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Community Development Consent Items

- 30. 21TP018: Authorize the Mayor and Finance Director to sign the Professional Services Agreement with Felsburg Holt & Ullevig for the Cambell Street Structure Replacement Multi-modal Routing Study in an amount not to exceed \$99,152.73
- 31. 21RS010: Approve a request by John Riker for a determination by the City Council that there are no feasible and prudent alternatives to the proposed project in a historic district located at 1116 9th Street, and that the proposal contains planning to minimize harm to the historic property pursuant to SDCL1-19A-11.1 and RCMC 17.54.080

Bid Award Consent Items

- 32. CC081621-04.1 - Approve award of total bid for Anamosa Street Water Main Extension, Project No. 20-2541 / CIP No. 51256 opened on August 10, 2021 to the lowest responsible bidder, Lind-Exco, Inc in the amount of \$1,034,244.17
- 33. CC081621-04.2 - Approve award of total bid for Pavement Rehabilitation Project – W. St. Louis St., Project No. 20-2625 / CIP No. 50549 opened on 8/10/2021 to the lowest responsible bidder, Tru-Form Construction Inc. in the amount of \$279,244.58”

END OF CONSENT ITEMS

Mayor Allender read in item (WS081121-18) Approve Request for Interfund Loan of \$1,056,260 Between SAB28 Fund and The Monument Fund. Motion was made by Jones, second by Roberts to approve. Baltzer explained this was an add-alternate to change the scoreboard design from two end-hung scoreboards to a center hung four-sided scoreboard. This scoreboard creates more visual options. It is the preferred way to go in large arenas. These upgrades allow Rapid City to compete with other venues. Motion carried 9-0.

NON-CONSENT ITEMS – Items 34 – 42

Chuck Henrie spoke on item (WS081121-23) and item (WS081121-26). He believes the city needs strict marijuana regulations. He spoke in favor of the fire training tower, the SW police precinct and fire station renovations.

Ordinances

Mayor Allender read in item (WS072821-22) Second Reading of Ordinance No. 6456, An Ordinance to Amend and Adopt Provisions of the Rapid City Municipal Code Relating to Animals in Title 6. (This item WS061621-21 was continued from the July 19, 2021 city council meeting.) Having passed its first reading on August 2, 2021, motion was made by Jones, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Jones, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6456 was declared duly passed upon its second reading.

Mayor Allender read in item (WS081121-22) First Reading of Ordinance 6502 Regarding Supplemental Appropriation #5 for 2021. Motion was made by Lehmann, second by Roberts and carried 9-0 that Ordinance 6502 be placed upon its first reading and the title was distinctly read and second reading set for Tuesday, September 7, 2021.

Mayor Allender read in item (WS081121-23) First Reading of Ordinance No. 6501 An Ordinance to Prohibit Public Smoking of Marijuana by Adopting Section 8.32.060 of the Rapid City Municipal Code. Motion was made by Drew, second by Nordstrom to approve. There was discussion regarding monetary penalties and possible jail time. Motion was made by Nordstrom, second by Drew and carried 9-0 that Ordinance 6501 be placed upon its first reading and the title was fully and distinctly read and second reading set for September 7, 2021.

Mayor Allender read in item (No. 21RZ018) First Reading, Ordinance 6499, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Citcra LLC for a Rezoning request from General Agricultural District to Medium Density Residential District property generally described as being located southeast of the intersection of Country Road West and Brooke Street. Motion was made by Salamun, second by Jones to approve in conjunction with a Planned Development Designation and carried 9-0 that Ordinance 6499 be placed upon its first reading and the title distinctly read and second reading set for Tuesday, September 7, 2021.

Working Session Committee Items

Mayor Allender read in item (WS081121-25) Appeal by Devin Wolter of 1018 Blaine Avenue of an Exception Request denial to allow a driveway approach with less than 50' of clearance from College Avenue. Motion was made by Drew, second by Nordstrom to deny the appeal. Motion carried 9-0.

Mayor Allender read in item (WS081121-01) Approve Resolution No. 2021-071, a Resolution Establishing Fees Pertaining to the City's Designated Animal Control Authority. Motion was made by Drew, second by Jones and carried 9-0 to approve.

RESOLUTION NO. 2021-071
A RESOLUTION ESTABLISHING FEES PERTAINING TO
THE CITY'S DESIGNATED ANIMAL CONTROL AUTHORITY

WHEREAS, the City of Rapid City charges fees for various licenses, permits and applications to cover administrative costs; and

WHEREAS, various sections within Title 6 of the Rapid City Municipal Code provide that fees shall be established by resolution of the Common Council; and

WHEREAS, the City Council finds it to be in the best interests of the City and its citizens to adopt the following fees;

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following fees are established:

City's Designated Animal Control Authority

Fee	Amount & Unit of Measure	Municipal Code Section
Cat, Neutered/spayed	\$5.00 per year	6.12.010
Cat, Unneutered/unspayed	\$10.00 per year	6.12.010
Dog, Neutered/spayed	\$8.00 per year	6.12.010
Dog, Unneutered/unspayed	\$16.00 per year	6.12.010
Duplicate tag	\$1.00 per tag	6.12.010
License, Kennels*	\$50.00 per year	6.08.050
License, Pet daycare*	\$50.00 per year	6.08.052
License, Pet grooming business*	\$50.00 per year	6.08.054
License, Pet store*	\$50.00 per year	6.08.056

*If a person or entity is applying to obtain a license for more than one of the following types of licenses (kennel license, pet daycare license, pet grooming business license, or pet store license), the application fee for an additional, different type of license will be \$25 for each additional license (instead of \$50).

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (WS081121-26) Approve Allocation of Surplus Undesignated Funds as follows:

- A. Fire Station 1 Renovation \$15,035,000
- B. Fire Training Tower \$1,500,000
- C. Police SW Precinct \$1,500,000
- D. Public Safety Radios \$1,000,000

E. Street Projects	\$565,000
F. IT Equipment	\$200,000
G. Bookmobile	\$200,000
Total	\$20,000,000

Motion was made by Nordstrom, second by Evans to take this item back to the working session on Wednesday, September 1, 2021. Motion carried 9-0.

Community Development Items

Mayor Allender read in item (No. 21PL069) A request by Citcra LLC for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Block 6 of Kateland Subdivision, generally described as being located southeast of the intersection of Country Road West and Brook Street. Motion was made by Lehmann, second by Strommen and carried to approve with the following stipulations: 1. Upon submittal of a Final Plat application, the two proposed lots shall be included on the same plat document as the nine proposed lots included in the Development Engineering Plan application (File #21PL028) for the adjacent phase of the Kateland Subdivision or a Development Engineering Plan application shall be submitted for these two proposed lots limiting the construction of Country Road West and Brooke Street to that portion of the right(s)-of-way that abut the subject property. If the two phases are combined into one Final Plat, then a Development Engineering Plan application is not required for the subject property as the street, drainage and utility improvements are addressed as a part of the approved construction plans for File #21PL028; 2. If the applicant chooses to Final Plat the two phases of Kateland Subdivision separately then the following items shall also be addressed as a part of the Development Engineering Plan application for this phase of the development:

- a) 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;
- b) Construction plans for Country Road West (collector street) and Brooke Street (local street) shall be submitted for review and approval pursuant to Table 2-4 of the Infrastructure Design Criteria Manual 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;
- c) A cost estimate for the required subdivision improvements shall be submitted for review and approval;
- d) A Development Agreement shall be entered into with the City for all public improvements;
- e) Approval from the South Dakota Department of Agriculture and Natural Resources shall be secured;
- f) An Oversize Agreement shall be entered into with the City;
- g) Any necessary off-site easements shall be secured;

3. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage Easement shall be dedicated for all drainage improvements; 4. 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, 5. 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. 21PL070) A request by KTM Design Solutions, Inc for Yasmeen Dream II, LLC for a Preliminary Subdivision Plan for proposed Tract 1 of Diamond Ridge Subdivision, generally described as being located at the intersection of Diamond Ridge Boulevard and Radiant Avenue. Motion was made by Drew, second by Roberts and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show the northern plat boundary as being on the section line highway with the dedication of the south 50 feet of right-of-way for Anamosa Street. In addition, construction plans for Anamosa Street shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a principal arterial street 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; 2. Upon submittal of a Development Engineering Plan application, construction plans for the cul-de-sac bulb for Radiant Avenue shall be submitted for review and approval pursuant to 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; 3. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained from City Council to allow 54 dwelling units with one point of access in lieu of a maximum of 40 dwelling units or the plat document shall be revised accordingly. If an Exception is obtained, then 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 all residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 6. 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; 7. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 8. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 9. Prior to submittal of a Final Plat, the adjacent right-of-way for Radiant Avenue and Diamond Ridge Boulevard shall be dedicated to provide access to the proposed lot or the Final Plat for the subject property shall be revised to include the right(s)-of-way; 10. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements and a Major Drainage easement shall be dedicated for all drainage improvements; 11. 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, 12. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Motion was made by Drew, second by Jones to add discussion of all city employees getting hazard pay to the September 1, 2021 working session. Motion carried.

PUBLIC HEARING ITEMS – Items 43 – 48

CONSENT PUBLIC HEARING ITEMS – Items 43 – 45

The following item was removed from the Consent Items:

- 43. West Boulevard Neighborhood Association for a SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event scheduled for September 11, 2021 located on West Boulevard between South Street and Fairview Street

Motion was made by Nordstrom, second by Evans and carried to approve items 43-45 with the exception of item 43.

Alcohol Licenses

- 44. Special Olympics South Dakota for a SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event scheduled for October 30, 2021 located at Black Hills Harley Davidson, 2820 Harley Drive
- 45. DB Hospitality LLC DBA Days Inn by Wyndham West, PO Box 91, Appleton, MN, for a Retail (on-sale) Liquor License Transfer from Jackson Blvd Hospitality LLC DBA Days Inn & Lounge, 725 Jackson Blvd

Other Items Requiring Public Hearings

Mayor Allender read in item (WS081121-05) Authorize Mayor and Finance Director to Sign Resolution No. 2021-077, a Resolution to Enter into a Lease Agreement with Rapid City Midget Football Association, Inc. Motion was made by Salamun, second by Lehmann and carried 9-0 to approve.

RESOLUTION NO. 2021-077
A RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH
RAPID CITY MIDGET FOOTBALL ASSOCIATION, INC.

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Finance Director to Sign the Lease Agreement between the City of Rapid City and Rapid City Midget Football Association, Inc. and any other necessary documentation involving entering into a lease with Rapid City Midget Football Association, Inc. for real property which is located at 1615 Sedivy Lane, Rapid City, South Dakota, and legally described as follows:

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

which property generally consists of the Midget Football Building at Star of the West Complex and all lands within 25 feet of said building as reflected in the Lease Agreement between the City of Rapid City and Rapid City Midget Football Association, Inc.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (WS081121-06) Authorize Mayor and Finance Director to Sign Resolution No. 2021-078, a Resolution to Enter into a Lease Agreement with Rushmore Hockey and Skating Association. Motion was made by Nordstrom, second by Drew and carried 9-0 to approve.

RESOLUTION NO. 2021-078

A RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH RUSHMORE HOCKEY AND SKATING ASSOCIATION

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Finance Director to sign the Roosevelt Ice Arena Long-term Ice Rental Agreement between the City of Rapid City and Rushmore Hockey and Skating Association and any other necessary documentation involving entering into a lease with Rushmore Hockey and Skating Association for the rental of a portion of the Roosevelt Ice Arena, which is located at 235 Waterloo Street, Rapid City, South Dakota, upon the terms and conditions as reflected in the Roosevelt Ice Arena Long-term Ice Rental Agreement between the City of Rapid City and Rushmore Hockey and Skating Association.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (WS081121-07) Authorize Mayor and Finance Director to Sign Resolution No. 2021-079, a Resolution to Enter into a Lease Agreement with Black Hills Figure Skating Club. Motion was made by Jones, second by Strommen and carried 9-0 to approve.

RESOLUTION NO. 2021-079
A RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH BLACK HILLS FIGURE SKATING CLUB

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Finance Director to sign the Roosevelt Ice Arena Long-term Ice Rental Agreement between the City of Rapid City and Black Hills Figure Skating Club and any other necessary documentation involving entering into a lease with Black Hills Figure Skating Club for the rental of a portion of the Roosevelt Ice Arena, which is located at 235 Waterloo Street, Rapid City, South Dakota, upon the terms and conditions as reflected in the Roosevelt Ice Arena Long-term Ice Rental Agreement between the City of Rapid City and Black Hills Figure Skating Club.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

Mayor Allender read in the West Boulevard Neighborhood Association request for a SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event scheduled for September 11,

2021 located on West Boulevard between South Street and Fairview Street. Sumption clarified that the police department and the parks department are responsible for the parameters of this event including alcohol consumption. There will be no alcohol sold at the event. Motion was made by Nordstrom, second by Evans to approve the special event while following the police plan and the parks plan. Motion carried 9-0.

NON-CONSENT PUBLIC HEARING ITEMS – (NONE)

BILLS

BILL LIST - AUGUST 16, 2021

P/ROLL PERIOD END 07/31/21, PD 08/06/21	2,099,675.60
CDEV P/ROLL PERIOD END 07/31/21, PD 08/06/21	2,468.60
PIONEER BANK & TRUST, 07/31/21 P/ROLL TAXES, PD 08/06/21	525,510.32
CDEV PIONEER BANK & TRUST, 07/31/21 P/ROLL TAXES, PD 08/06/21	567.44
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 08/02/21, PD 08/03/21	4,041.12
SOUTH DAKOTA RETIREMENT SYSTEM, JUL21 RETIREMENT, PD 08/05/21	500,836.24
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 08/04/21, PD 08/05/21	35,759.53
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 08/04/21	21,227.55
BLACK HILLS ENERGY, ELECTRICITY, PD 07/29/21	96.19
BLACK HILLS ENERGY, ELECTRICITY, PD 08/04/21	336.68
BLACK HILLS ENERGY, ELECTRICITY, PD 08/11/21	58,375.06
COMPUTER BILL LIST	4,054,603.44
CDEV COMPUTER BILL LIST	120.00
SUBTOTAL	7,303,617.77
RSVP, P/ROLL PERIOD END 07/31/21, PD 08/06/21	2,831.62
RSVP, PIONEER BANK & TRUST, 07/31/21 P/ROLL TAXES, PD 08/06/21	625.33
RSVP, COMPUTER BILL LIST	5,145.91
TOTAL	7,312,220.63

Sumption presented the bill list of \$7,312,220.63. Motion was made by Lehmann, second by Roberts and carried to authorize (No. CC081621-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 9-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Lehmann, second by Evans and carried to adjourn the meeting at 7:09 p.m.

Dated this 16th day of August, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Published at the approximate cost: _____