

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, December 6, 2021**

ROLL CALL AND DETERMINATION OF QUORUM

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

MAYOR'S ITEMS

1. No. CC120621-02.1 – Confirm Appointment of Vicki Fisher as Director of the Community Development Department and Authorize Mayor and Finance Director to sign employment contract.
2. No. CC120621-02.2 - Swearing in of Vicki Fisher as Director of the Rapid City Community Development Department

PRESENTATION

3. Black Hills War Monument Project Presentation – Ed Manzano
4. Water Reclamation South Plant Improvements Presentation – Public Works (regarding item 48.)

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 5 – 45

Open Public Comment – Items 5 – 34 (3-minute time limit per speaker)

Close Public Comment

CONSENT ITEMS – Items 5 – 34 [to End of Consent Items]

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

Approve Minutes

5. Approve Minutes for the November 15, 2021 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)

Alcoholic Beverage License Applications Set for Hearing (December 20, 2021)

6. Pennington County Democratic Party for a SPECIAL EVENT (on-sale) Wine License on February 11, 2022 at Prairie Edge, 606 Main Street
7. MG Oil Company DBA The Park 3, 707 Mountain View Rd Suite C, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation TRANSFER from Breakroom Billiards and Darts DBA Breakroom Billiards and Darts, located at 355 11th Street, Suite 1

8. MG Oil Company DBA Happy Jacks Omaha - 2, 1109 West Omaha St Suite B for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation (Inactive)
9. Lybecks Twenty-First Century Inc. DBA Shenanigans Casino, 3788 E Hwy 44 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation TRANSFER from MG Oil Company DBA The Park 2, located at 707 Mountain View Rd, Suite B
10. Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino III, 530 Cambell St. Suite 2 for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation.
11. Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino Too I, 840 Timmons Blvd Suite 1 for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation (Inactive)
12. Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino Too II, 840 Timmons Blvd Suite 1A for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation (Inactive)
13. Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino Too III, 840 Timmons Blvd Suite 7A for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License with VL Designation (Inactive)

Public Works Committee Consent Items

14. PW113021-01: Approve Resolution No 21-100 A Resolution To Write Off Uncollectable Utility Billing Accounts For a Total Amount Of 111,258.80
15. PW113021-02: Approve Resolution No. 21-101 A Resolution To Write Off Credit Balance Utility Billing Accounts For a Total Amount Of \$ 742.16
16. PW113021-03: Approve Change Order #1F to Prime Excavation for 2021 Hall Street Water Main Abandonment and Fire Hydrant Installation, Project 21-2678/CIP 50808 for an increase of \$1,025.02.
17. PW113021-04: Approve Change Order #1F to J&J Asphalt for Pavement Rehabilitation Project – Cleveland & Oakland, Project 20-2622/CIP 50549 for an increase of \$42,867.25
18. PW113021-05: Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid City and Ferber Engineering Company, Inc. (FEC) for Professional Services for Signal Drive and Kellogg Place Street and Utility Reconstruction, Project No. 21-2670 / CIP No. 51170, in the amount of \$267,260.00.
19. PW113021-06: Authorize Staff to Advertise Bids for St. Cloud Reconstruction – 5th to Highland Ct., Project No. 19-2487 / CIP No. 51036. Estimated Cost \$3,400,000.
20. PW113021-07: Approve no-cost funding correction for Amendment to the Agreement between the City of Rapid City and FMG, Inc. for Deadwood Avenue Reconstruction, I-90 to Meade County, Project No. 17-2375/CIP No. 50437.
21. PW113021-09: Approve Request from Longbranch Civil Engineering, Inc. for a time extension for the Development Engineering Plan application associated with the Auburn Hills Subdivision, Phase 8.
22. PW113021-10: Approve Request from Richard Sterkel for a variance to waive the requirement to install sidewalk for Black Elk Peak Subdivision, per City Ordinance 12.08.060.
23. PW113021-11: Approve Request from Towey Design Group for Valley Development, LLC and Pink Cabin, LLC for a variance to waive the requirement to install sidewalk along Anderson and Longview Roads, per City Ordinance 12.08.060.
24. PW113021-12: Approve Request from KTM for a variance to waive the requirement to install sidewalk along Mount Rushmore Road, Rapid City, per City Ordinance 12.08.060.
25. PW113021-13: Approve Request from FMG Engineering for a variance to waive the requirement to install sidewalk along Catron Blvd. Rapid City, per City Ordinance 12.08.060.
26. PW113021-14: Authorize Staff to Purchase a 2022 RAM 3500 Reg Cab, 4X4, 6.4L V8 Truck from Liberty Superstores with matching 2021 State Bid Pricing in the Amount of \$29,991.90.
27. PW113021-15: Authorize Parks and Recreation Department to Harvest up to 250 Deer for the 2022 Rapid City Deer Management Program.
28. PW113021-16: Confirm the reappointments of Roger Heacock and Shon Hanczyc to the Parks & Recreation Advisory Board.

Legal and Finance Committee Consent Items

- 29. LF120121-02 – Approve Resolution No. 2021-099 a Resolution Regarding changes to the Rapid City Youth City Council (Lehmann).
- 30. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Monte Monger (Police Department), Susan Keller (Police Department), Amy Roose (Police Department)
- 31. LF120121-01 – Acknowledge September 2021 Sales Tax Report
- 32. LF120121-05 – Approve Resolution No. 2021-103 A Resolution to Update Petty Cash Funds and Change Funds.

CIP Committee Consent Items (NONE)**Community Development Consent Items (NONE)****Bid Award Consent Items**

- 33. CC120621-04.1 – Approve award of total bid for Pavement Rehabilitation Project – Locust & Ivy opened on November 30, 2021 to the lowest responsible bidder, Simon Contractors of SD, Inc in the amount of \$829,409.00.
- 34. CC120621-04.2 - Reject and re-advertise for Tower Road Stabilization Project, Project No. 19-2537 / CIP No. 51254 opened on November 30th no bids were received. Will open new bids December 14, 2021.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 35 – 45

Open Public Comment – Items 35 – 45 (3-minute time limit per speaker)

Close Public Comment

Ordinances

- 35. No. 21RZ019 - First Reading, Ordinance 6503, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Watershed II, LLC for a Rezoning request from No Use District to Low Density Residential District II for property generally described as being located north of terminus of Cloud Peak Drive.
Recommendation: Approve
- 36. No. 21RZ025 - First Reading, Ordinance 6515, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Lester Miles for a Rezoning request from Medium Density Residential District to General Commercial District for property generally described as being located at 420 Spruce Street.
Recommendation: Approve in conjunction with a Planned Development Designation

Public Works Committee Items (NONE)**Legal and Finance Committee Items (NONE)****CIP Committee Items (NONE)****Community Development Items**

- 37. No. 21PL091 - A request by KTM Design Solutions, Inc for Watershed Development, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 53 of Block 1, Lots 1 thru 66 of Block 2, Lots 1 thru 27 of Block 3, Lots 1 thru 9 and Common Lot of Block 4, 1A, 1B, 2A, 2B, 3, 4A, 4B, 5A, 5B, 6A, 6B, 7 thru 15 of Block 5, Lots 1 thru 4 of Block 6 of Highpointe Ranch North, generally described being located north of current terminus of Cloud Peak Drive.
Recommendation: Approve with Stipulations

38. No. 21PL107 - A request by KTM Design Solutions, Inc for Redrock Apartments LLC for a Preliminary Subdivision Plan for proposed Lot 12 of Block 2 of Red Rock Shadows Subdivision, generally described as being located southwest of the intersection of Muirfield Drive and Portrush Road.
Recommendation: Approve
39. No. 21PL109 - A request by KTM Design Solutions, Inc for Susan Murray for a Preliminary Subdivision Plan for proposed Lots A and B of Murray Subdivision, generally described as being located at 6600 Bighorn Road.
Recommendation: Approve with Stipulations
40. No. 21PL111 - A request by Renner Associates, LLC for Mike Holmberg for a Preliminary Subdivision Plan for proposed Lots 1A of 1B of Lovell Subdivision, generally described as being located at 23359 Bradsky Road.
Recommendation: Approve with Stipulations
41. No. 21PL118 - A request by KTM Design Solutions, Inc for BH Capital, LLC for a Preliminary Subdivision Plan for proposed Lot 27 of Block 2, Lots 12 thru 37 of Block 4, Lots 1 thru 4 of Block 8, Lots 1 thru 7 of Block 9 of Diamond Ridge Subdivision, generally described as being located east of the intersection of Valley Drive and Homestead Street.
Recommendation: Approve with Stipulations
42. No. 21PL120 - A request by FMG Engineering for Scull Construction Service, Inc. for a Preliminary Subdivision Plan for proposed Lot 10 of Block 2 of Black Hills Center Subdivision, generally described as being located northeast of the intersection of Black Hills Boulevard and Carton Boulevard.
Recommendation: Approve with Stipulations
43. LF120121-03 – Approve Preliminary Community Development Block Grant FY2022 Funding
Recommendation: Approve 3 to 2 with Salamun, Lehmann and Nordstrom voting yes; and Weifenbach and Drew voting no.

Other Board, Commission & Committee Items (NONE)

Bid Awards (NONE)

2022 Alcoholic Beverage License Renewals

44. CC120621-02.3 – Approve the 2022 Alcoholic Beverage License Renewals for the December 6, 2021 City Council Meeting.

Council Items & Liaison Reports

45. LF120121-04 – Approve a request from Alderwoman Drew to have staff bring forward to the City Council for its approval an amendment to Section 6.08.020 of the Rapid City Municipal Code reducing the minimum distance for the keeping of chickens or other fowl from an occupied structure from 150 feet to 50 feet and reduce the minimum lot size from 3 acres to .25 acres.
Recommendation: Deny 2 to 3 with Salamun, Lehmann and Weifenbach voting no; and Drew and Nordstrom voting yes.

Staff Items (NONE)

Appeals (NONE)

Planning Commission Appeals
License Appeals
Sign Code Appeals
Other Appeals Heard by the Council

PUBLIC HEARING ITEMS – Items 46 – 50

Open Public Hearing (comment) - Items 46 – 50 (3-minute time limit per speaker)
[Public Hearing Remains Open]

Close Public Hearing (comment) - Items 46 – 50

CONSENT PUBLIC HEARING ITEMS – Items 46 - 48

Remove Items from the “Consent Public Hearing Items” and Vote on Remaining Consent Items

Community Development Items (NONE)

Alcohol Licenses

- 46. Holiday Stationstores LLC, 4080 Jonathan Moore Pike, Columbus, IN, DBA Holiday Stationstores #2746512 for a Retail (on-off sale) malt beverage and SD Farm Wine License and a Retail (on-off sale) wine and cider license located at 2460 W Chicago
- 47. Bar K-9 LLC DBA Bar K-9 LLC, for one SPECIAL EVENT on-sale malt beverage license for an event scheduled for December 10-11, 2021 at 2200 N. Maple Ave – Rushmore Mall

Assessment Rolls (NONE)

Other Items Requiring Public Hearings

- 48. PW113021-08: Approve Resolution 2021-102 which authorizes the Mayor and Finance Director to submit an application for financial assistance to the South Dakota Board of Water and Natural Resources for a project titled, “Water Reclamation South Plant Improvements” located at the Water Reclamation Facility.
Recommendation: Approve

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 49 and 50

- 49. No. 21RZ024 – Second Reading, Ordinance 6513, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Dennis Zandstra Real Estate Holdings, LLC for a Rezoning request from No Use District to Low Density Residential District II for property generally described as being located south of the intersection of Pahlmeyer Drive and Caymus Drive.
Recommendation: Approve
- 50. 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.
Recommendation: Continue this item to the January 3, 2022 City Council Meeting. (This item was continued from the November 15, 2021 City Council Meeting.)

BILLS

- 51. No. CC120621-01 – Bill List for December 6, 2021

ADJOURN