AGENDA FOR THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., Monday, December 20, 2021

ROLL CALL AND DETERMINATION OF QUORUM

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

**Special Performance by Dakota Choral Union Choir**

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

AWARDS AND RECOGNITIONS (NONE)

PRESENTATIONS (NONE)

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 1 – 48

Open Public Comment – Items 1 – 40 (3-minute time limit per speaker)

Close Public Comment

CONSENT ITEMS – Items 1 – 40

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

Approve Minutes
1. Approve Minutes for the December 6, 2021 Regular Council Meeting.

Intent to Lease Set for Hearing (January 3, 2022)

2A. The City of Rapid City intends to enter into a lease for a property located at 524 Main Street with the Downtown Business Improvement District Board for Main Street Square

Alcoholic Beverage License Applications Set for Hearing (January 3, 2022)

3. Fuji Sushi and Sake Bar #478 Inc. DBA Fuji Sushi and Sake Bar, 2200 N. Maple Ave #478 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and Retail (on-off sale) Wine and Cider License TRANSFER from Fuji Asian Restaurant Inc. DBA Fuji Asian Restaurant, located at 2200 N Maple Ave Unit 478

Public Works Committee Consent Items

4. PW121421-01: Approve Change Order #2F to Mainline Contracting for E Watertown Street Water Main Replacement, Project 2501/CIP 51076 for an increase of $13,338.39.

6. PW121421-03: Approve Change Order #2F to RCS Construction for Regency Court Storm Sewer Improvement, Project 20-2599/CIP 51301 for a decrease of $65,309.77.

7. PW121421-04: Approve Change Order #3 to Simon Contractors of SD Inc. for 2020 Miscellaneous Improvements Projects, General Civil Projects, Project 20-2605/CIP 51132.1 for an increase of $8,781.76.

8. PW121421-05: Approve Change Order #4 to Muth Electric, Inc. for Downtown Lighting Project Phase 2, Project 20-20-2613 / CIP 51228 for a decrease of $19,274.00.

9. PW121421-06: Approve Change Order #2 to Zandstra Construction for Rapid City Landfill Cell 18 Debris Fencing & Phase II Berm, Project 21-2641/CIP 51202.1 for a decrease of $11,500.00.

10. PW121421-07: Authorize Mayor and Finance Director to Sign Amendment No. 4 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.

11. PW121421-08: Authorize Mayor and Finance Officer to sign Professional Service Amendment for City Hall Renovation – Phase 2 with TSP in the amount of $76,616.00 for Project No. 19-2675 / CIP 51225.

12. PW121421-09: Authorize Staff to Advertise Bids for Sewer Force Main Air Release Valve Replacement – Haines Ave, Project No. 21-2663 / CIP No. 50846. Estimated Cost $70,000.

13. PW121421-10: Authorize Staff to seek proposals for professional services in the role of Owners Representative during the Water Reclamation Facility South Plant Improvement project, Project Number 20-2629/CIP Number 51129 and other Public Works Facility type projects.

14. PW121421-11: Authorize Mayor and Finance Director to Sign Purchase Agreement in the amount of $65,000 between the City of Rapid City and William and Wanda Houser and Authorize the Public Works Director to Accept the Deed for Lots 20 and 21 in Pine Heights Subdivision.

15. PW121421-12: Approve Request from Renner Associates, LLC for an exception to allow more than 40 dwelling units along Bradsky Road with only one point of access. Per Section 2.6 of the Infrastructure Design Criteria Manual (IDCM), a single access can only serve 40 dwelling units unless an exception is approved by City Council.

16. PW121421-13: Approve Request from Renner Associates, LLC for a variance to waive the requirement to install sidewalk for Lovell Subdivision, along Bradsky Road, per City Ordinance 12.08.060.

17. PW121421-14: Approve request and authorize staff to purchase (1) one new 2022 HX30G Hydro Excavator from Ditch Witch through the Sourcewell Cooperative Contract #012418-CMW in the amount of $51,472.62.

18. PW121421-15: Confirm the reappointments of Doug Wilson and Kristofer James and the new appointment of Doug McIntosh to the Rapid City Trenching Board.

Legal and Finance Committee Consent Items

19. LF121521-08 – Confirm the Reappointment of Mary Garrigan to the Rapid City Public Library Board of Trustees

20. LF121521-09 – Confirm the Reappointment of Wade Lampert and the New Appointments of Gavin Fawbush, Davis Dathe, and Katie Houk to the Hotel BID Board

21. LF121521-10 – Approve the Joint Powers Agreement Between the State of South Dakota, Office of Attorney General Division of Criminal Investigation, the Pennington County Sheriff’s Office and the City of Rapid City for Shared Psychologist Services.

22. LF121521-11 – Approve Joint Powers Agreement Between the State of South Dakota, Office of Attorney General Division of Criminal Investigation, the Pennington County Sheriff’s Office and the City of Rapid City for Shared Services of the Internet Crimes Against Children Task Force.
23. LF121521-12 – Authorize Staff to Purchase an HME Ahrens-Fox Type 34 Fire Apparatus for the Amount of $362,748.00 through Houston-Galveston Area Council (HGAC)
24. LF121521-07 – Approve 2022 Airport Rates and Charges.
25. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Miranda Monger (Police Department), Jason Olson (Police Department), Teresa Olson (Police Department), Seth Keene (Police Department), Susan Berry (RSVP+), Jane Buxton (RSVP+), John Buxton (RSVP+), Eileen Johnson (RSVP+), Warren Johnson (RSVP+), Barbara Kenton (RSVP+), Kevin Kreulen (RSVP+), Kathy Lower (RSVP+), Francie Ruebel-Alberts (RSVP+)
26. LF121521-01 – Authorize Mayor and Finance Director to sign Amended Sublease Agreement with Pennington County
27. LF121521-03 – Acknowledge October 2021 General Fund Cash Balance Report
28. LF121521-04 – Approve Request for Property Tax Abatements as follows: Doeck LLC (Tax ID 56619) 2020, $73.48; Doeck LLC (Tax ID 55923) 2020, $44.40; DKEA LLC (Tax ID 65740) 2020, $51.24; Doeck LLC (Tax ID 62865) 2020, $34.18; Doeck LLC (Tax ID 62762) 2020, $100.78. [Total for City of Rapid City: $304.08]
29. LF121521-05 – Approve Resolution No. 2021-104 a Resolution Declaring Miscellaneous Personal Property Surplus from the Fire Dept. be Surplus as Disposed; and from the Cemetery be Surplus as Traded
30. LF121521-06 – Approve Resolution No. 2021-105 a Resolution Levying Assessment for Abatement of Nuisances
31. LF121521-15 – Approve Resolution No. 2021-106 A Resolution of Intent to Enter into Lease Agreement from City to Downtown Business Improvement District Board for Main Street Square Pursuant to SDCL 9-12-5.2
32. LF121521-20 – Authorize Mayor and City Staff to Register for and Execute any Documents Necessary to Join in on the National Opioid Settlement
33. LF121521-17 – Authorize Mayor and Finance Director to Sign an Agreement Between the City of Rapid City and Lazy P6 Land Co., Inc. to Resolve All Disputes Regarding the Construction of a Regional Detention Pond on Lazy P6 Property.
34. LF121521-18 – Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and FMG Engineering for South Truck Rout DBDP – Element 16 Culvert Crossing, Project No. 21-2668 / CIP No. 51331 in the amount of $195,842.00 (This item is in conjunction with item LF121521-17).
35. LF121521-13 – Approve Maria Holy Eagle Request to Waive Clean Up Assessment Fees at 150 Patton Street in the amount of $530.00 of administrative fees due to some communication errors between Code Enforcement and the appellant. Second by Salamun. Motion carried.
36. LF121521-14 – Deny Pamela Maslack Request to Waive Clean Up Assessment Fees at 1301 N. 7th Street.

CIP Committee Consent Items (NONE)

Community Development Consent Items (NONE)

Bid Award Consent Items
37. CC122021-04.1 - Approve award of total bid for 5th Street Panel Repair – Minnesota to Stumer, Project No. 21-2657 / CIP No. 50445 opened on December 14, 2021 to the lowest responsible bidder, Tru-Form Construction, Inc. in the amount of $916,718.90.
38. CC122021-04.2 - Approve award of total bid for Tower Road Stabilization Project – Road Reconstruction Phase opened on December 14, 2021 to the lowest responsible bidder, Western Construction, Inc. in the amount of $120,197.85
39. CC120221-04.3 - Approve award of total bid for Street Light Maintenance Contract opened on December 14, 2021 to the lowest responsible bidder, Solar Sound Corp. in the amount of $63,147.12
40. CC120221-04.4 - Continue the award of Well No. 12 2021 Improvements, Project No. 21-2684 / CIP No. 51340 opened on December 14, 2021 to the January 3, 2022 City Council Meeting.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 41 – 48D

Open Public Comment – Items 41 – 48D (3-minute time limit per speaker)
Close Public Comment

Ordinances

41. No. 21RZ030 - First Reading, Ordinance 6521, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Indigo Design, LLC for Rice Valley View Properties for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located south of Omaha Street and west of Cambell Street.
Recommendation: Approve in conjunction with a Planned Development Designation

42. No. 21RZ031 - First Reading, Ordinance 6522, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Bret and Kathy and Carla McBride for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located southeast of the intersection of Haines Avenue and Country Road.
Recommendation: Approve

43. LF121521-02 – Approve the First Reading of Ordinance No. 6520 Regarding Supplemental Appropriation #8 for 2021.
Recommendation: Approve

Public Works Committee Items (NONE)

Legal and Finance Committee Items

44. LF121521-16 – Approve 2022 Non-Union COLA and Wage Scales
Recommendation: Send to Council without recommendation.

CIP Committee Items (NONE)

Community Development Items

45. No. 21PL106 - A request by KTM Design Solutions, Inc for SSST, LLC for a Preliminary Subdivision Plan for proposed Lot 2 and 3 of Block 13, Lots 8 thru 14 of Block 14, Lots 8 thru 13 of Block 15, Lots 1 thru 7 of Block 18, Lot 1 and Lot 2 of Block 19 of Elks Crossing, generally described as being located south of the intersection of Pahlmeyer Drive and Caymus Drive.
Recommendation: Approve with Stipulations

46. No. 21PL121 - A request by Davis Engineering, Inc for Jon Eizinger for a Preliminary Subdivision Plan for proposed Lots A and B of Lot 2 of Block 1 of Irene Estates Subdivision, generally described as being located north of W. SD Highway 44 and west of Nameless Cave Road.
Recommendation: Approve with Stipulations

47. No. 21PL128 - A request by Longbranch Civil Engineering, Inc for Villaggio, LLC for a Preliminary Subdivision Plan for proposed Lot A of Villas at the Villaggio, generally described as being located northwest of the intersection of Vineyard Lane and Golden Eagle Drive.
Recommendation: Approve with Stipulations

Other Board, Commission & Committee Items (NONE)

Bid Awards (NONE)
2022 Alcoholic Beverage License Renewals

48. Approve Items 48A, 48B, and 48C for 2022 Alcoholic Beverage Renewals

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<td>A</td>
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<td>MARLINS ROADHOUSE GRILL</td>
</tr>
<tr>
<td>B</td>
<td>RW-24719</td>
<td>DOLGEN MIDWEST, LLC</td>
<td>DOLLAR GENERAL</td>
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<td>RW-27813</td>
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Mayor’s Items (NONE)

Council Items & Liaison Reports (NONE)

Reconsideration Notices
Motion for Delivery of Items from Committee

Staff Items

48D. CC122021-02 – Approve Insurance Renewals for Property, Liability, and Excess Worker’s Compensation.

Recommendation: Approve

Appeals

Planning Commission Appeals (see items 59-75)
License Appeals
Sign Code Appeals
Other Appeals Heard by the Council

PUBLIC HEARING ITEMS – Items 49 – 75

Open Public Hearing (comment) - Items 49 – 75 (3-minute time limit per speaker)
[Public Hearing Remains Open]

Close Public Hearing (comment) - Items 49 – 75

CONSENT PUBLIC HEARING ITEMS – Items 49 – 56

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

Community Development Items (NONE)

Alcohol Licenses

49. Pennington County Democratic Party for a SPECIAL EVENT (on-sale) Wine License on February 11, 2022 at Prairie Edge, 606 Main Street

50. 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

51. 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)

52. 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

53. 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.
54. 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)

55. 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)

56. 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)

Assessment Rolls (NONE)

Other Items Requiring Public Hearings (NONE)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 57 – 75

57. No. 21RZ019 - Second 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

58. No. 21RZ025 - Second 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

59. No. 21PD037 – Appeal of Planning Commission’s decision on a request by TJ Wojtanowicz for Enchanted, LLC for a Final Planned Development Overlay to allow an apartment complex for property generally described as being located at 4815 5th Street.

Recommendation: Appeal of Planning Commission’s decision to approve

60. No. 21PD041 - Appeal of Planning Commission’s decision on a request by KTM for Moyle Petroleum Company for a Major Amendment to a Planned Development Overlay to allow a medical cannabis dispensary for property generally described as being located at 1624 Discovery Circle.

Recommendation: Appeal of Planning Commission’s decision to approve

61. No. 21PD042 - Appeal of Planning Commission’s decision on a request by KTM for Moyle Petroleum Company for a Final Planned Development Overlay to allow a medical cannabis dispensary for property generally described as being located at 2421 Elderberry Boulevard.

Recommendation: Appeal of Planning Commission’s decision to approve

62. No. 21UR021 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2120 W. Main Street, Unit #1.

Recommendation: Appeal of Planning Commission’s decision to approve

63. No. 21UR022 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2120 W. Main Street, Suite 3.

Recommendation: Appeal of Planning Commission’s decision to approve

64. No. 21UR023 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2120 W. Main Street, Suite 4.

Recommendation: Appeal of Planning Commission’s decision to approve

65. No. 21UR024 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2120 W. Main Street, Suite 5.

Recommendation: Appeal of Planning Commission’s decision to approve
66. No. 21UR025 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located at 1002 Jackson Boulevard.

Recommendation: Appeal of Planning Commission’s decision to approve

67. No. 21UR026 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2706 E. Highway 44.

Recommendation: Appeal of Planning Commission’s decision to approve

68. No. 21UR027 - Appeal of Planning Commission’s decision on a request by 605 Organic LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2604 West Main Street.

Recommendation: Appeal of Planning Commission’s decision to approve

69. No. 21UR028 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 1401 West Omaha, Unit 100.

Recommendation: Appeal of Planning Commission’s decision to approve

70. No. 21UR029 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 1401 West Omaha, Suite 200.

Recommendation: Appeal of Planning Commission’s decision to approve

71. No. 21UR030 - Appeal of Planning Commission’s decision on a request by Hive Collective LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 918 East North Street.

Recommendation: Appeal of Planning Commission’s decision to approve

72. No. 21UR032 - Appeal of Planning Commission’s decision on a request by KTM Design Solutions, Inc for Moyle Petroleum Company for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as at located at 4260 Canyon Lake Drive.

Recommendation: Appeal of Planning Commission’s decision to approve

73. No. 21UR034 - Appeal of Planning Commission’s decision on a request by KTM Design Solutions, Inc for Moyle Petroleum Company for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 2640 Mount Rushmore Road.

Recommendation: Appeal of Planning Commission’s decision to approve

74. No. 21UR035 - Appeal of Planning Commission’s decision on a request by TGIAM 508 LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 631 Main Street.

Recommendation: Appeal of Planning Commission’s decision to approve

75. No. 21UR036 - Appeal of Planning Commission’s decision on a request by Puffy's LLC for a Conditional Use Permit to allow a medical cannabis dispensary for property generally described as being located at 1513 E. Philadelphia Street.

Recommendation: Appeal of Planning Commission’s decision to approve

BILLS

76. No. CC122021-01 – Approve Bill List for December 20, 2021

ADJOURN