

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

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

Staff members present included: Assistant City Attorney Carla Cushman, Police Chief Don Hedrick, Public Works Director Dale Tech, Finance Director Pauline Sumption, Community Development Director Vicki Fisher, Parks Director Jeff Biegler, IT Director Jim Gilbert, Fire Operations Division Chief Brian Povandra, Long Range Planner II Kelly Brennan, Airport Executive Director Patrick Dame, Long Range Planning Manager Kip Harrington, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Evans, second by Salamun and carried to adopt the agenda.

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

Chuck Henrie spoke against homelessness. He thinks there will be too many dispensaries. Brian Peck, spoke about homeless shelters and trying to build small ones. He's looking to find land to put them on.

NON-PUBLIC HEARING ITEMS -- Items 1 – 48

CONSENT ITEMS – Items 1 – 40

The following items were removed from the Consent Items:

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

Motion was made by Evans, second by Jones and carried to approve Consent Items 1-40 except Item 39. Motion carried 10-0.

Approve Minutes

1. Approve Minutes for the December 6, 2021 Regular Council Meeting.
2. Approve Minutes for the December 13, 2021 Special 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.
5. PW121421-02: Approve Change Order #3F to Veolia ES Technical Solutions for 2021 Collection and Disposal of Household Hazardous Waste One-Day Event for Rapid City Solid Waste Customers, Project 2572/CIP 51206 for an increase of \$11,489.15.
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

Resolution #2021-104
 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 part of the following property be declared surplus and disposed of; and the other property traded; according to state statutes:

From: Fire (202)

For Deletion (dispose):

- RCFD, Radio ID 19288, SN#407CKT5727, Motorola XTS2500
- RCFD, Radio ID 19284, SN#407CKT5723, Motorola XTS2500
- RCFD, Radio ID 19280, SN#407CKT6663, Motorola XTS2500
- RCFD, Radio ID 19279, SN#407CKT6662, Motorola XTS2500
- RCFD, Radio ID 19835, SN#407CKT5734, Motorola XTS2500
- RCFD, Radio ID 19849, SN#407CKT5748, Motorola XTS2500

From: Cemetery (860)

For Deletion (trade):

- 2002 Toro Workman 3200 Utility Vehicle #C029; Serial #220000590
- 2003 Kawasaki Mule #C07; VIN #JK1AFCE103B528159
- 2011 Mikasa MTX-60 Packer; Serial #V8525

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 20th day of December, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

30. LF121521-06 – Approve Resolution No. 2021-105 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2021-105
 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.

	CUSTOMER NAME	ID#	CLEAN UP ADDRESS	MAILING ADDRESS	LEGAL DESCRIPTION	TOTAL AMOUNT DUE INCLUDES \$100.00
1	MUTH, BARBARA J	24641	1418 RACINE ST	10430 Big Piney Rd, Rapid City, SD 57702	Lot 13, Block 1, Knollwood Heights	\$310.00
2	GIRRINGS, ROXIE	33184	4518 SOUTH CANYON DR	4518 S Canyon Rd, Rapid City, SD 57702	Lot 17-18, Block:, Stanley Tract	\$335.00
3	MASLACK, PAMELA S	26650	1304 N 7TH ST	1301 N 7th Street, Rapid City, SD 57701	Lot 5, Block 8, Northern Heights Subd	\$2,550.00
4	FANNING, SHAWN	31893	625 INDIANA ST	4810 Horsecreek Rd, Rapid City, SD 57702	Lot 13-14, Block27, South Boulevard Add	\$330.00

5	SCHLINKERT, DAVID	32609	2516 ELM ST	2516 Elm Ave, Rapid City, SD 57701	Lot 17 & W1/2 of Lot 15 Exc S79.1, Block 4, South Robbinsdale Add.	\$650.00
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Dated this 20th day of December, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

- 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

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

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a lease with the Downtown Business Improvement District Board for real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

Lots 17-23, Block 75, all of vacated alley located adjacent to Lots 17-23, vacated portion of 6th Street adjacent to Lot 17, and vacated portion of Main Street adjacent to Lots 17-22, all in Original Town of Rapid City, Pennington County, South Dakota;

All of vacated alley adjacent to Lots 1-16, Block 75, Original Town of Rapid City, Pennington County, South Dakota; and

The enclosed portion of the ground level of the parking structure located on Lots 11-16, Block 75, Original Town of Rapid City, Pennington County, South Dakota.

which property generally known as Main Street Square; and

BE IT FURTHER RESOLVED that a hearing will be held on January 3, 2022, 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 20th day of December, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

- 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.

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
- 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

Council President Lehmann read in item (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. Tech confirmed that Public Works has spent approximately the same amount the past three years for streetlight maintenance. Motion was made by Jones, second by Nordstrom and carried 10-0 to approve.

NON-CONSENT ITEMS – Items 41 – 48D
Ordinances

Council President Lehmann read in item (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. Motion was made by Drew, second by Nordstrom and carried to approve in conjunction with a Planned Development Designation that Ordinance 6521 be placed upon its first reading and title

was fully distinctly read and the second reading was set for January 3, 2022. Motion passed 9-0 with Roberts abstaining.

Council President Lehmann read in item (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. Motion was made by Roberts, second by Salamun and carried 10-0 that Ordinance 6522 be placed upon its first reading and title was fully and distinctly read and the second reading was set for January 3, 2022.

Council President Lehmann read in item (LF121521-02) Approve the First Reading of Ordinance No. 6520 Regarding Supplemental Appropriation #8 for 2021. Motion was made by Roberts, second by Salamun and carried 10-0 to approve.

Legal and Finance Committee Items

Council President Lehmann read in item (LF121521-16) Approve 2022 Non-Union COLA and Wage Scales. Motion was made by Nordstrom, second by Drew and carried 10-0 to approve.

Community Development Items

Council President Lehmann read in item (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. Motion was made by Roberts, second by Evans to approve 10-0 with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, the redline comments shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application. The revised plans shall be to a readable scale; 2. 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; 3. Upon submittal of a Development Engineering Plan application, construction plans for Pahlmeyer Drive, a local street, shall be submitted for review and approval 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; 4. Upon submittal of a Development Engineering Plan application, construction plans for Papillon Drive, a local street, shall be submitted for review and approval 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; 5. Upon submittal of a Development Engineering Plan application, construction plans for Court A, a local street, shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the cul-de-sac bulb shall be constructed 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; 6. Upon submittal of the Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and Infrastructure Design Criteria Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit must be obtained prior to any construction; 7. Prior to approval of the

Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements, if applicable; 8. Upon submittal of a Development Engineering Plan application, a cost estimate of the required subdivision improvements shall be submitted for review and approval; 9. The proposed plat shall be allowed as a phased development with all subdivision improvements needed to support a particular phase included in the construction plans for that phase; 10. Prior to submittal of a Final Plat application, that portion of the property located outside of the City limits shall be annexed; 11. Prior to submittal of a Final Plat application, the property shall be rezoned from No Use District to Low Density Residential II District as proposed in order to support the proposed residential development; 12. Prior to submittal of a Final Plat application, proposed street names shall be submitted to the Emergency Services Communication Center for review and approval. In addition, the approved street names shall be shown on the plat document; 13. 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, 14. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. In addition, any utilities and drainage proposed outside of the dedicated right-of-way shall be secured within easement(s).

Council President Lehmann read in item (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. Motion was made by Roberts, second by Strommen to approve 10-0 with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for a sanitary sewer main within Nameless Cave Road right-of-way shall be submitted for review and approval 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, the plat document shall show the dedication of 17 additional feet of right-of-way along Nameless Cave Road 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, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 5. Prior to approval of the Development Engineering Plan application, an engineering design report for sewer shall be 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; 6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 8. Prior to submittal of a Final Plat application, the applicant shall coordinate with the Rapid City Fire Department to determine if a Wild Fire Mitigation Plan is needed for the property. If required, a copy of the approved plan shall be submitted with the Final Plat application; 9. Prior to 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 any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; 10. Prior to 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. In addition, a copy of the

executed agreement shall be submitted with the Final Plat application; 11. Prior to submittal of a Final Plat application, the plat title shall be revised to add “of Block 1” to the new lots and to the formerly description; 12. 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, 13. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Council President Lehmann read in item (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. Motion was made by Salamun, second by Jones to approve 10-0 with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Golden Eagle Drive, a local street, located west of the intersection of Villaggio Lane shall be submitted for review and approval 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; 2. Upon submittal of a Development Engineering Plan application, the plat document shall show the dedication of an additional 4.47 feet of right-of-way along Golden Eagle Drive up to and through the Villaggio Lane intersection to obtain a width of 34 feet to center of existing right-of-way as required for collector streets; 3. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 4. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 5. 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; 6. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 7. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 8. Prior to 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 provisions are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; 9. Prior to submittal of a Final Plat application, the plat shall be revised to show a corporate acknowledgement for the owner. In addition, the “Certificate of Finance Director” shall be placed in the correct order within the two signature blocks required for the Finance Director; 10. 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, 11. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

2022 Alcoholic Beverage License Renewals

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

	License #	Owner/Master Name	DBA	Address
A	RL-5874	HUNGRYS RESTAURANTS INC	MARLINS ROADHOUSE GRILL	2803 DEADWOOD AVE
B	RW-24719	DOLGEN MIDWEST, LLC	DOLLAR GENERAL	1137 E SAINT PATRICK ST
C	RW-27813	DOLGEN MIDWEST LLC	DOLLAR GENERAL STORE #20846	3402 HAINES AVE

Council President Lehmann read in the 2022 Alcoholic Beverage License Renewals for items 48a, 48b, and 48c to approve. Motion was made by Roberts, second by Evans and carried 10-0.

Staff Items

President Lehmann read in item (CC122021-02) Approve Insurance Renewals for Property, Liability, and Excess Worker's Compensation. Motion was made by Roberts, second by Strommen to approve. Motion carried 10.0

Appeals

Planning Commission Appeals (see items 59-75)

PUBLIC HEARING ITEMS – Items 49 – 75

Sally Kormendy spoke against the proposed dispensary at West Main and Piedmont Street. It is too close to the bus stop and residential area. Cheyenne Long Fox is concerned with a monopoly taking over the cannabis licenses. Gabriel D'Silva is against the dispensary at 2640 Mt. Rushmore Road. He thinks historical locations will be wiped out by dispensaries. Jennifer Verhey spoke against the dispensary on 2640 Mt. Rushmore Rd. She doesn't like the proximity of residential homes and schools. Ryan Cwach, attorney for Puffy's LLC, and Kittrick Jeffries, manager of Puffy's LLC both said they were told that multiple suites for one location would not be an option. They don't want that allowed for anyone else. They want the same rules for every location that involves suites. Wade Huntington, member of 605 Organic LLC, spoke in favor of his location at 2604 West Main Street. Wes Keehue, founder of Rapid City Citizens for Safe Cannabis Access. He thinks multiple applications seems unfair. He is against any location being near a school or church. Chuck Henrie is against all dispensaries. Tonchi Weaver and Father Tim Hoag spoke against the proposed dispensary located at 4260 Canyon Lake Drive. They said the location is too close to the park and to the church. They would like this application denied. Sid Houdek and Wade Huntington, owners of 605 Organic LLC, spoke in favor of the location at 2604 West Main Street. They said this location is surrounded by other businesses and they have done a lot to fix up the building. Matthew Cernichy, Reverend Brian Christensen and Jim Kinyon each spoke against the location at 2640 Mt. Rushmore Road. The main reason for opposition is because it's located near residences and the church. Roger Tellinghuisen, consultant for Moyle Petroleum, stated Puffy's LLC is using the same location multiple times with different suite numbers. He said the ordinance states there can only be one dispensary per location, so their applications should be denied.

CONSENT PUBLIC HEARING ITEMS – Items 49 – 56**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)

Council President Lehmann read in the alcohol licenses. Motion was made by Jones, second by Strommen to approve items 49-56. Motion carried 10-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 57 – 75

Strommen said he needed to abstain from items 60, 61, 62, 63. 64, 65, 66, 67, 69, 70, 72, 73, and 75.

Council President Lehmann read in item (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. Having passed its first reading on December 6, 2021, motion was made by Roberts, second by Salamun that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Jones, Lehmann, Evans, Armstrong, Salamun and Drew; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6503 was declared duly passed upon its second reading.

Council President Lehmann read in item (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. Having passed its first reading on December 6, 2021, motion was made by Roberts, second by Evans that the title be read the second time to approve with a planned development designation. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Jones, Lehmann, Evans, Armstrong, Salamun and Drew; NO: None; whereupon the Council President declared the motion passed and Ordinance No. 6515 was declared duly passed upon its second reading.

Council President Lehmann read in item (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. Director Fisher stated that the applicant wanted to withdraw. Motion was made by Roberts, second by Nordstrom to approve withdrawal by the applicant. Motion carried 10-0.

Council President Lehmann read in item (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. Motion was made by Weifenbach, second by Roberts to affirm the Planning Commission decision and allow the conditional use. Motion carried 7 to 2 with Jones and Evans voting no. Strommen abstained from the vote.

Council President Lehmann read in item (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. Motion was made by Jones, second by Evans to reverse the Planning Commission's decision. Motion failed 6 to 3 with Armstrong, Jones and Evans voting in favor to deny the CUP. Motion was made by Roberts, second by Weifenbach to affirm the Planning Commission's decision. Motion carried 7 to 2 with Evans and Jones voting to reverse the CUP. Strommen abstained from the vote.

Council President Lehmann read in item (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. Motion was made by Jones, second by Evans to reverse the Planning Commission's decision. Motion failed 4 to 5 with Armstrong,

Lehmann, Drew, Nordstrom and Weifenbach voting in favor of the CUP. Motion was made by Nordstrom, second by Drew to affirm the Planning Commission's decision. Motion carried 5 to 4 with Roberts, Salamun, Jones and Evans voting against the CUP. Strommen abstained from the vote.

Council President Lehmann read in item (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. Motion was made by Jones to reverse the Planning Commission's decision. Motion failed due to lack of a second. Motion was made by Nordstrom, second by Drew to affirm Planning Commission's decision. Motion carried 5 to 4 with Jones, Salamun, Evans and Roberts voting to reverse the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Jones, second by Salamun to reverse the Planning Commission's decision. Motion failed with Armstrong, Lehmann, Drew, Nordstrom and Weifenbach voting against the reversal. Motion was made by Nordstrom, second by Drew to affirm the Planning Commission's decision. Motion carried with Evans, Roberts, Jones and Salamun voting against the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Jones to reverse the Planning Commission's decision. Motion died due to lack of a second. Motion was made by Nordstrom, second by Drew to affirm the Planning Commission's decision. Motion carried 5 to 4 with Jones, Salamun, Evans and Roberts voting against the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Salamun, second by Jones to reverse the Planning Commission's decision. Motion carried 8 to 1 with Armstrong voting in favor of the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Jones, second by Robert to reverse the Planning Commission's decision. Motion carried 6 to 3 with Lehmann, Drew and Armstrong voting in favor of the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Drew to reverse the Planning Commission's decision. Discussion continued and Drew withdrew her motion. Motion was made by Jones, second by Evans to reverse the Planning Commission's decision and deny the CUP. Motion carried 10-0.

Council President Lehmann read in item (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. Motion was made by Jones, second by Nordstrom to reverse the Planning Commission's decision. Motion carried 7 to 2 with Drew and Armstrong voting to approve the CUP. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Jones, second by Salamun to reverse the Planning Commission’s decision and deny the CUP. Motion carried 7 to 1 with Drew voting to approve the CUP. Weifenbach was not present for the vote. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Jones, second by Roberts to reverse the Planning Commission’s decision. Motion failed 4 to 6 with Roberts, Salamun, Jones and Evans voting against the CUP. Motion was made by Nordstrom, second by Drew to affirm the Planning Commission’s decision. Motion passed 7 to 3 with Jones, Salamun and Evans voting against the CUP.

Council President Lehmann read in item (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 located at 4260 Canyon Lake Drive. Motion was made by Salamun, second by Jones to reverse the Planning Commission’s decision. Motion passed 9 to 0. Salamun abstained.

Council President Lehmann read in item (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. Motion was made by Jones, second by Weifenbach to reverse the Planning Commission’s decision. Motion passed 9-0. Strommen abstained.

Council President Lehmann read in item (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. Motion was made by Weifenbach, second by Roberts to reverse the Planning Commission’s decision. Motion carried 6 to 4 with Armstrong, Lehmann, Drew and Strommen voting in favor of the CUP.

Council President Lehmann read in item (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. Motion was made by Roberts, second by Weifenbach to reverse the Planning Commission’s decision. Motion carried 5 to 4 with Drew, Nordstrom, Armstrong and Lehmann voting in favor of the CUP. Strommen abstained.

BILLS

BILL LIST - DECEMBER 20, 2021

P/ROLL PERIOD END 12/04/21, PD 12/10/21	2,013,922.44
CDEV P/ROLL PERIOD END 12/04/21, PD 12/10/21	2,468.62
SUPP P/ROLL PERIOD END 12/04/21, PD 12/13/21	376.48
PIONEER BANK & TRUST, 12/04/21 P/ROLL TAXES, PD 12/10/21	523,411.65
PIONEER BANK & TRUST, SUPP 12/04/21 P/ROLL TAXES, PD 12/13/21	28.80
CDEV PIONEER BANK & TRUST, 12/04/21 P/ROLL TAXES, PD 12/10/21	567.44
WELLMARK INC, HEALTH CLAIMS THROUGH 12/03/21, PD 12/09/21	147,381.22
WELLMARK INC, HEALTH CLAIMS THROUGH 12/10/21, PD 12/16/21	163,196.41
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 12/06/21, PD 12/07/21	6,573.46
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 12/13/21, PD 12/14/21	11,465.53
SOUTH DAKOTA RETIREMENT SYSTEM, NOV21 RETIREMENT, PD 12/03/21	516,595.87
SOUTH DAKOTA RETIREMENT SYSTEM, OCT21 RETIREMENT, PD 11/19/21	822,335.16
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 12/08/21, PD 12/09/21	15,940.80

RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 12/15/21, PD 12/16/21	15,524.90
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 12/14/21	36,497.76
BLACK HILLS ENERGY, ELECTRICITY, PD 12/14/21	49,416.84
COMPUTER BILL LIST,	6,409,427.43
CDEV COMPUTER BILL LIST	113.26
SUBTOTAL	10,735,244.07
RSVP, P/ROLL PERIOD END 12/04/21, PD 12/10/21	2,178.67
RSVP, PIONEER BANK & TRUST, 12/04/21 P/ROLL TAXES, PD 12/10/21	575.38
RSVP, COMPUTER BILL LIST	618.32
TOTAL	10,738,616.44

Sumption presented the bill list of \$10,738,616.44. Motion was made by Roberts, second by Salamun and carried to authorize (No. CC122021-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 10-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Roberts, second by Salamun and carried to adjourn the meeting at 9:50 p.m.

Dated this 20th day of December, 2021.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____