

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, February 7, 2022**

ROLL CALL AND DETERMINATION OF QUORUM

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

AWARDS AND RECOGNITIONS

PRESENTATION

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 – 70

Open Public Comment – Items 1 – 55 (3-minute time limit per speaker)

Close Public Comment

CONSENT ITEMS – Items 1 – 55

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

Approve Minutes

1. Approve Minutes for the January 18, 2022 Regular Council meeting.

Intent to Lease Set for Hearing (Tuesday, February 22, 2022)

2. The City of Rapid City intends to enter into a lease for a property located at 5430 Sheridan Lake Road with Security First Bank
3. The City of Rapid City intends to enter in to a lease for a property located at 1730 32nd Street and at 730 Anamosa Street with Black Hills Junior Little League
4. The City of Rapid City intends to enter in to a lease for property located at 3101 Canyon Lake Drive with Church Softball

Alcoholic Beverage License Applications Set for Hearing (Tuesday, February 22, 2022)

5. Girl Scouts Dakota Horizons DBA Girl Scouts Dakota Horizons for one SPECIAL EVENT off-sale package wine dealer and one off-sale package malt beverage license for an event scheduled for June 7, 2022, at 505 North Street, Rushmore Plaza Holiday Inn
6. Elevate Rapid City DBA Elevate Rapid City for one SPECIAL EVENT on-sale malt beverage license and one on-sale wine license for an event scheduled for April 12, 2022, at 406 St. Joseph Street, Property Meld

7. Elevate Rapid City DBA Elevate Rapid City for one SPECIAL EVENT on-sale malt beverage license and one on-sale wine license for an event scheduled for March 8, 2022 at 2700 N. Plaza Drive, Black Hills Federal Credit Union
8. Jeff Salter DBA BIN 605, 2001 Hope Court, Suite 1, for a Retail on-off sale Wine and Cider license and Retail on-off sale Malt Beverage and SD Farm Wine license for 2001 Hope Ct, Ste 1
9. Naja Shrine DBA Naja Shrine for one SPECIAL EVENT on-sale malt beverage license and one on-sale wine license for an event scheduled for March 12, 2022 at 4091 Sturgis Rd, Naja Temple
10. Western Dakota Tech DBA Western Dakota Tech for one SPECIAL EVENT on-sale dealer license for an event scheduled for February 23, 2022 at 800 Mickelson Drive

Public Works Committee Consent Items

11. PW020122-01: Authorize Mayor and Finance Director to Sign Title V/Part 70 Permit Modification Application for the Solid Waste Division.
12. PW020122-02: Authorize Mayor and Finance Director to Sign 2021 Annual Operational Report on Behalf of the Rapid City Regional Landfill.
13. PW020122-03: Authorize Mayor and Finance Director to Sign 2021 Annual Compliance Certification Report on Behalf of the Rapid City Regional Landfill.
14. PW020122-04: Authorize Mayor and Finance Director to sign State of SDDOT Section 5307 Urban Public Transportation Matching Funds Agreement for \$31,144.05 for CY2022.
15. PW020122-05: Authorize Mayor and Finance Director to sign an agreement between the City of Rapid City and AET for Annual Contract Renewal Work Plan for Sampling, analysis, and Reporting Related to 2022 Environmental Monitoring of the Rapid City Landfill for a total cost of \$110,275.19.
16. PW020122-06: Authorize Mayor and Finance Director to sign a Professional Services Agreement with Albertson Engineering Inc. for Block 75 Parking Ramp Maintenance Project #2689 in the amount of \$172,896.00.
17. PW020122-07: Authorize Mayor and Finance Officer to Sign Amendment No. 1, to the Agreement between the City of Rapid City and HDR Engineering, Inc., for the WRF Aeration Basin Clariflocculator and Siphon Piping Construction, Project Number 20-2629/ CIP Number 51129. In the amount of \$363,640.00
18. PW020122-08: Authorize Mayor and Finance Officer to Sign Amendment No. 1, to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, LLC, for 2021 Water Facilities Arc Flash Analysis Assessment Report, Project Number 21-2635 /CIP Number 51318. In the amount of \$16,774.37
19. PW020122-09: Authorized Mayor and Finance Director to Sign a Joint Funding Agreement between U.S. Department of Interior, U.S. Geological Survey and City of Rapid City for 2021 Water Resource Investigations, CIP No. 51279. The City of Rapid City's share of the program is \$138,000.00.
20. PW020122-10: Authorize Mayor and Finance Director to sign the Agreement for Utility Relocation between the City of Rapid City and Black Hills Power for the Deadwood Avenue Reconstruction Phase 1 Project, Project No. 17-2375 / CIP 50437.1, in the amount of \$123,000.00.
21. PW020122-11: Authorize Mayor and Finance Director to sign Amendment 1 with Ferber Engineering Company for Omaha Street Utility Reconstruction – Sheffer Street to 12th Street, Project No. 16-2099/CIP 50904, in the amount of \$27,423.00.
22. PW020122-12: Approve Change Order #1 to Layne Christensen Company for Well #5 and Well #6 Pump Replacement & Electrical Improvements, Projects 20-2574 and 21-2640, for a decrease of \$100,247.00.
23. PW020122-13: Authorize Staff to advertise for Bids for 2022 Lane Line Painting, Project No. 22-2695, CIP No. 50594. Estimated cost: \$180,000
24. PW020122-14: Authorize Staff to Advertise Bids for Sunburst Drive Reconstruction, Project No. 19-2532 / CIP 51253. Estimated Cost \$2,300,000.
25. PW020122-15: Authorize staff to advertise for Saint Cloud Street Reconstruction West Boulevard to 9th Street, Project No. 21-2662 / CIP 51174 for \$525,000.

26. PW020122-16: Authorize Public Works Engineering to purchase (2) two new 2022 Ford Explorer all-wheel drive 4 door SUV from McKie with matching State Bid contract #17619 in the amount of \$28947.00 each for a total of \$57,894.00
27. PW020122-17: Authorize Water Division to purchase (2) two new 2022 Ford Explorer all-wheel drive 4 door SUV from McKie with matching State Bid contract #17619 in the amount of \$28947.00 each for a total of \$57,894.00.
28. PW020122-19: Authorize purchase of garbage and recycling containers from Rehrig Pacific Company using Omnia Partners Cooperative contract pricing in the amount of \$96,675.88.
29. PW020122-20: Authorize Staff to Purchase a 2022 Fecon Slow Speed Stump Cutter from Vermeer High Plains as a Sole Source Purchase in the Amount of \$26,930.00.
30. PW020122-21: Authorize Staff to Purchase a 2022 CAT 301.7 CR Mini Excavator from Butler Machinery with Sourcwell Pricing in the Amount of \$35,766.17.
31. PW020122-22: Authorize staff to advertise for Dinosaur Park Accessibility Improvements, Project PR21-6180 for \$3,490,742.26.
32. PW020122-23: Confirm the appointment of Katherine Molnar to the Historic Preservation Commission.
33. PW020122-18: Authorize Water Division to purchase (1) one new 2022 Ram 1500 V6 4x4 long box pickup truck from Wegner Auto off State Bid contract #17620 in the amount of \$29,452.00
34. PW020122-24: Uphold Denial by Planning Commission to allow an exception request from Jon Eizinger (21EX212) to waive the requirement to install sanitary sewer main within Nameless Cave Road right-of-way in conjunction with the proposed subdivision of Lot 2 of Block 1 of Irene Estates.
35. PW020122-25: Uphold Denial by Planning Commission regarding a request from Kale McNaboe to appeal the denial of exception (21EX209). This exception is to waive the requirement to construct Golden Eagle Drive right-of-way in conjunction with the proposed subdivision Villas at Villaggio.

Legal and Finance Committee Consent Items

36. LF020222-02 – Confirm the Reappointments of Dan Tribby, Jerry Schmidt, and Todd Hollan to the Downtown Business Improvement District (BID) Board
37. LF020222-07 – Authorize Staff to Apply and Accept if Awarded the Assistance to Firefighters Grant in the Amount of \$368,111.12
38. LF020222-08 – Authorize Staff to Apply and Accept if Awarded the Assistance to Firefighters Grant in the Amount of \$70,000.00
39. LF020222-13 – Authorize 40 Additional SIP Lines to Provide VOIP Service from Midco for a Monthly Charge of \$1046.43 and an Installation Fee of \$150.00
40. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Scott Lee (RSVP+), Autumn Anderson (Library), MC Bauder (Library), Jocelyn Depatie (Library, Evelyn Haar (Library), LaDonna LaDeaux (Library)
41. LF020222-01 – Authorize Mayor and chief of Police to Sign the 2022 Federal Equitable Sharing Agreement.
42. LF020222-03 – Approve Request for Property Tax Abatements as Follows: Yasmeen Dream LLC (Tax ID 69622) 2021, \$5000.76; Yasmeen Dream LLC (Tax ID 70414) 2021, \$189.22; Yasmeen Dream LLC (Tax ID 47865) 2021, \$29.36; Yasmeen Dream LLC (Tax ID 69623, \$1323.76; Schad Corp (Tax ID 42833) 2021, \$545.54; Schad Corp (Tax ID 42834) 2021, \$28.66; Schad Corp (Tax ID 28383) 2021, \$15.66; Ernest & Irene Thompson (Tax ID 8005602) 2021, \$395.26; Carl Schuler Jr. (Tax ID 11394) 2021, \$70.92; Carl Schuler Jr. (Tax ID 6161) 2021, \$42.22; Carl Schuler Jr. (Tax ID 6168) 2021, \$92.86; Yasmeen Dream LLC (Tax ID 70209) 2021, \$332.20; Yasmeen Dream LLC (Tax ID 69624) 2021, \$766.88; Hillside Properties Inc. (Tax ID 31590) 2021, \$267.82; Horst Properties (Tax ID71019) 2021, \$394.02; Kim or Keith Alarie (Tax ID 8009624) 2021, \$105.76; Tanglewood Properties LLC (Tax ID 37602) 2021, \$14,060.40; Yasmeen Dream LLC (Tax ID 70534) 2021, \$67.02; [Total for City of Rapid City: \$23,728.32]
43. LF020222-04 – Acknowledge December 2021 General Fund Cash Balance Report

44. LF020222-05 – Acknowledge November 2021 Sales Tax Report
45. LF020222-09 – Approve Resolution No. 2022-014 a Resolution of Intent to Enter into a Lease with Black Hills Junior Little League for property located at 1730 32nd Street and 730 Anamosa Street
46. LF020222-10 – Approve Resolution No. 2022-016 a Resolution of Intent to Enter into a Lease with Rapid City Church Softball, Inc. for property located at 3101 Canyon Lake Drive
47. LF020222-14 – Approve Resolution No. 2022-018 a Resolution Acknowledging Corrections to the December 06, 2021 Council Minutes
48. LF020222-15 – Approve Spending a Total of \$250.00 from Youth City Council Budget for the February and June Youth City Council Retreats
49. LF020222-11 – Authorize Mayor and Finance Director to Sign Purchase Agreement to Purchase Property at 5430 Sheridan Lake Road in Rapid City to be Used for a new Police Precinct, for a Total Cost of \$1,655,000 from Security First Bank.
50. LF020222-12 – Approve Resolution No. 2022-012 a Resolution of Intent to Enter Into Lease Agreement from City to Security First Bank for 5430 Sheridan Lake Road Pursuant to SDCL 9-12-5.2.

CIP Committee Consent Items (NONE)

Community Development Consent Items

51. LF020222-06 – Approve Resolution No. 2022-011 a Resolution Acknowledging Corrections to the January 18, 2022 Council Minutes
52. No. 21AN004 – Approve Resolution 2021-098, a request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust, Marvin and Kay Paschke and E.M. Hoff Family Ranch LP for a Petition for Annexation for property generally described as being located southeast of the intersection of Highway79 and Old Folsom Road.

Bid Award Consent Items

53. CC011822-04.3 - Approve award of total bid for St. Cloud Reconstruction Project - 5th Street to Highland Court, Project No. 19-2487 / CIP No. 51036 opened on January 11, 2022 to the lowest responsible bidder, R.C.S. Construction, Inc. in the amount of \$4,178,147.03. (*This item was continued from the January 18th City Council Meeting.*)
54. CC020722-04.1 – Table bid opening and awarding due to publishing error for 2021 Roadway Surfacing Project, Project No. 21-2673 / CIP 50297 was scheduled to open on February 1, 2022.
55. CC020722-04.2 - Authorize Mayor and Finance Director to sign contract agreement for the Omaha and LaCrosse Street Intersection Utility Upgrades, Project No. 19-2488/CIP 51212, in the amount of \$781,073.42 with Ti-Zack Concrete, Inc. per the SDDOT Transportation Commission Award at their January 27, 2022 meeting.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 56 – 70

Open Public Comment – Items 56 – 70 (3-minute time limit per speaker)

Close Public Comment

Ordinances

56. LF011222-07 – Approve the Second Reading and Recommendation of Ordinance No. 6528 an Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 of the Rapid City Municipal Code.
Recommendation: Approve
57. No. 21RZ026 – Approve the First Reading of Ordinance 6516, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International,

Inc for David Lamb and Andrea Andersen Revocable Trust for a Rezoning request from No Use District to Light Industrial District for property generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Recommendation: Approve Contingent on Associated Annexation

58. No. 21RZ027 – Approve First Reading, Ordinance 6517, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust for a Rezoning request from No Use District to Heavy Industrial District for property generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Recommendation: Approve Contingent on Associated Annexation

59. No. 21RZ028 - First Reading, Ordinance 6518, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust for a Rezoning request from No Use District to General Commercial District for property generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Recommendation: APPROVE CONTINGENT ON ASSOCIATED ANNEXATION

60. No. 21RZ029 - First Reading, Ordinance 6519, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc for David Lamb and Andrea Andersen Revocable Trust for a Rezoning request from No Use District to Heavy Industrial District for property generally described as being located southeast of the intersection of Highway 79 and Old Folsom Road.

Recommendation: APPROVE CONTINGENT ON ASSOCIATED ANNEXATION

61. No. 21RZ037 - First Reading, Ordinance 6529, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Frank Boyle for a Rezoning request from General Commercial District to Light Industrial District for property generally described as being located at 3637 Edwards Street.

Recommendation: APPROVE IN CONJUNCTION W/ A PLANNED DEVELOPMENT DESIGNATION

62. No. 21RZ038 - First Reading, Ordinance 6530, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Marvin and Kay Paschke for a Rezoning request from No Use to Heavy Industrial District for property generally described as being located east of Highway 79, south of Old Folsom Road.

Recommendation: APPROVE CONTINGENT ON ASSOCIATED ANNEXATION

63. No. 21RZ039 - First Reading, Ordinance 6531, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for E.M. Hoff Family Ranch Limited Partnership for a Rezoning request from No Use District to Heavy Industrial District for property generally described as being located west of Old Folsom Road, east of Highway 79.

Recommendation: APPROVE CONTINGENT ON ASSOCIATED ANNEXATION

64. No. 21RZ040 - First Reading, Ordinance 6532, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Evan Hayes for a Rezoning request from Park Forest District to Low Density Residential District for property generally described as being located at 1539 Forest Hills Drive.

Recommendation: APPROVE

Public Works Committee Items (NONE)

Legal and Finance Committee Items (NONE)

CIP Committee Items (NONE)

Community Development Items

65. No. 21PL143 - A request by Towey Design Group, Inc for Meadow Valley, LLC for a Preliminary Subdivision Plan for proposed Lots 15 thru 20 of Block 12, Lots 1 thru 21 of Block 2, Lots 22 thru

42 of Block 4, Lots 1 thru 16 of Block 1, Lots 17 thru 32 of Block 3 of Apple Valley Subdivision, generally described as being located south of Long View Road east of Anderson Road.

Recommendation: APPROVE W/ STIPULATIONS

66. No. 21PL147 - A request by Longbranch Civil Engineering, Inc for Muth Holdings, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 20 of Block 1 and Lots 1 thru 25 of Block 2 of Catron Ridge Subdivision, generally described as being located north of Catron Boulevard between Wellington Drive and Tartan Court.

Recommendation: APPROVE W/ STIPULATIONS

67. No. 21PL150 - A request by KTM Design Solutions, Inc for Shawn and Cathy Walz for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Hidden Springs Ranchettes No. 3, generally described as being located at 14831 229th Street.

Recommendation: APPROVE W/ STIPULATIONS

68. No. 21PL154 - A request by KTM Design Solutions, Inc for Bruce and Sandra Rampelberg for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Rampelberg Estates, generally described as being located at 13959 Neck Yoke Road.

Recommendation: APPROVE W/ STIPULATIONS

69. No. 21PL155 - A request by KTM Design Solutions, Inc for Justin Kistler for a Preliminary Subdivision Plan for proposed Tract 2A and 2B of Valley View Estates, generally described as being located at 23040 Radar Hill Road.

Recommendation: APPROVE W/ STIPULATIONS

70. No. 21PL156 - A request by Indigo Design, LLC for Dakota Heartland, Inc. for a Preliminary Subdivision Plan for proposed Lots 1 thru 3 of Block 1, Lot 1 of Block 2, Lot 1 of Block 3, Lot 1 thru 3 of Block 4 and Lots 1 thru 3 of Block 5 of Homestead Subdivision, generally described as being located east of Timmons Boulevard and south of Berniece Street.

Recommendation: APPROVE W/ STIPULATIONS

Other Board, Commission & Committee Items (NONE)

Bid Awards (NONE)

Alcoholic Beverage License Applications (NONE)

Reissuance

Special Event

Mayor’s Items (NONE)

Council Items & Liaison Reports (NONE)

Reconsideration Notices

Motion for Delivery of Items from Committee

Staff Items (NONE)

Appeals (NONE)

Planning Commission Appeals

License Appeals

Sign Code Appeals

Other Appeals Heard by the Council

PUBLIC HEARING ITEMS – Items 71 – 79

Open Public Hearing (comment) - Items 71 – 79 (3-minute time limit per speaker)
[Public Hearing Remains Open]

Close Public Hearing (comment) - Items 71 – 79

CONSENT PUBLIC HEARING ITEMS – Items 71 – 73

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

Community Development Items (NONE)**Alcohol Licenses**

71. Knights of Columbus Council 8844 for a SPECIAL EVENT (on-sale) Malt Beverage License and a (on-sale) Wine License on February 25, 2022 at Blessed Sacrament Church, 4500 Jackson Blvd
72. Working Against Violence Inc. (WAVI) for a SPECIAL EVENT (off-sale) Package Dealer License on March 26, 2022 at Best Western Ramkota, 211 N LaCrosse Street
73. R.C. Young Professional for a SPECIAL EVENT (on-sale) Malt Beverage License and a (on-sale) Wine License on April 21, 2022, at Elevate Rapid City, 18 E. Main St.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 74 – 79

74. No. 21VR002: Approve Resolution 2021-003 – Resolution for Vacation of a Section Line for S1/2 of the N1/2 of the NW1/4 of Section 21, and the NE1/4 of the NE1/4 of Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located northwest of the intersection of Caymus Drive and Pahlmeyer Drive
Recommendation: Approve
75. No. 21RZ032 - Second Reading, Ordinance 6523, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Shane Boyum for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located southeast of the intersection of Wesleyan Boulevard and Plaza Boulevard.
Recommendation: Approve
76. No. 21RZ033 - Second Reading, Ordinance 6524, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital, LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.
Recommendation: Approve in conjunction with a Planned Development Designation.
77. No. 21RZ034 - Second Reading, Ordinance 6525, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital, LLC for a Rezoning request from General Agricultural District to General Commercial District for property generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.
Recommendation: Approve in conjunction with a Planned Development Designation
78. No. 21RZ035 - Second Reading, Ordinance 6526, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital, LLC for a Rezoning request from General Agricultural District to General Commercial District for property generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.
Recommendation: Approve in conjunction with a Planned Development Designation
79. No. 21RZ036 - Second Reading, Ordinance 6527, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital, LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located northeast of the intersection of E. Anamosa Street and Valley Drive.
Recommendation: Approve in conjunction with a Planned Development Designation

BILLS

80. No. CC020722-01 – Approve Bill List for February 7, 2022

ADJOURN