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, Council Chambers, 300 Sixth Street, in Rapid City, South Dakota on Monday, May 16, 2022, at 6:30 P.M.

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

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Public Works Director Dale Tech, Fire Chief Jason Culberson, Finance Director Pauline Sumption, Community Development Director Vicki Fisher, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

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

AWARDS, RECOGNITIONS and PRESENTATIONS
Mayor Allender presented the Public Works Week Proclamation to the Public Works Department. Dave Sharp received the Soccer Week Proclamation from Mayor Allender. Western Dakota Technical College made a Foundation Presentation explaining how WDT can strengthen our community along with expanding our educational opportunities. Ritchie Nordstrom and the Rapid City Youth City Council presented information on their trip to the National League of Cities Congressional City Conference in Washington D.C. they presented facts and lessons they learned while they were there. Solid Waste gave their presentation on the solid waste master plan. They spoke of dynamic market conditions, data gathering, preliminary analysis, operational analysis, baseline costs of service and long-term disposal.

GENERAL PUBLIC COMMENT
Alderman Pat Jones said he was hosting a chat session on Saturday, May 21 from 2:00-4:00 p.m. at the Colonial House. He invited the public to attend. Chuck Henrie voiced concerns on some current street light pedestrian buttons that don’t work and sidewalks that are deteriorating.

NON-PUBLIC HEARING ITEMS -- Items 6 – 47
Chuck Henrie spoke on items 12, 24, 31, 35 and 42. He’s concerned with contractors not completing their work; with sidewalks being waived; property clean-up not taking place; archery hunting inside city limits; rezoning in the historic district.

CONSENT ITEMS – Items 6 – 47
The following items were removed from the Consent Items:

25. PW051022-16: Acknowledge Solid Waste Presentation: Master Plan Status Update and Path Forward

32. LF051122-11 – Authorize the Mayor and Finance Director to Sign Loan Documentation with Black Hills Community Bank for Solid Waste to Purchase a Grinder in the Amount of $895,000.00

45. No. 22PL037 - A request by Towey Design Group, Inc for Keating Resources for a Preliminary Subdivision Plan for proposed Lots 1 thru 15 of Black Hills Commerce Center Subdivision,
generally described as being located southeast of the intersection of Dyess Avenue and E. Mall Drive.

Motion was made by Evans, second by Salamun and carried 9-0 to approve Consent Items with the exception of 25, 32 and 45.

Approve Minutes
6. Approve Minutes for the May 2, 2022 Regular Council meeting.

Enter into City Lease Set for Hearing (June 6, 2022)
7. Intent to Enter into a Lease / Concessionaire Agreement with Canyon Lake Resort

Alcoholic Beverage License Applications Set for Hearing (June 6, 2022)
8. Seed Studios LLC DBA Seed Studios, 406 5th Street, Suite 500, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License TRANSFER from Charles Moore & Stephen Briggs, DBA Seed Studios, 412 5th Street
9. X Golf Rapid City, LLC DBA X Golf Rapid City, LLC, 2200 North Maple, for a Retail (on-sale) Liquor License TRANSFER from B&B Kelley, LLC DBA Poker Joe’s, 211 Cambell Street
10. Storybook Island Inc., 1301 Sheridan Lake Rd for a SPECIAL EVENT (on-sale) malt beverage license and a (on-sale) wine license for an event scheduled for June 25, 2022

Public Works Committee Consent Items

RESOLUTION 2022-046 (Amendment)
A RESOLUTION AUTHORIZING AN AMENDMENT TO RESOLUTION 2022-029 AN APPLICATION FOR FINANCIAL ASSISTANCE, AND AUTHORIZING THE EXECUTION AND SUBMITTAL OF SAME

WHEREAS, the City of Rapid City had previously authorized 2020 Miscellaneous Water and Wastewater Facility Type and Fencing Improvements project, Project No.: WRF 20-2608/CIP 51132.4: and

WHEREAS, the City had determined that financial assistance was necessary to undertake the Project and prepared an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”); and

WHEREAS, a separate Application was submitted for the Wastewater Portion of the Improvements Project; and

WHEREAS, between the time the original resolution was approved and the final design was being completed it was determined that additional removals and replacements will be necessary to complete portions of the scope of work, the costs of equipment and materials have increased significantly, and the availability of Contractors has diminished. While these items do not directly change the scope of equipment and processes to be upgraded, they do impact the estimated cost of the project.

NOW THEREFORE BE IT RESOLVED the Common Council hereby approves an amendment of the Application for financial assistance to the Board for the Wastewater Portion of the Improvements Project by increasing the funding application amount from $5,300,000 to $6,800,000; and

BE IT FURTHER RESOLVED the Common Council authorizes the Mayor and Finance Director to take any action necessary to submit and execute an amendment to the Application for the Wastewater Portion
of the Improvements Project to the Board, deliver such other documents necessary to effectuate the Application and to accept, if awarded, any grant funds; and

BE IT FINALLY RESOLVED the Common Council designates the Public Works Director as the authorized representatives of the City to act on its behalf to certify and sign payment requests in the event financial assistance is awarded.

I, Steve Allender, Mayor of the City of Rapid City, hereby certify that the foregoing amendment of resolution 2022-29 was passed by the City of Rapid City Common Council at a meeting held on the Sixteenth day of May 2022.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Director  
(SEAL)


13. PW051022-03: Approve Resolution 2022-047 Repealing Resolution No 2020-044 Which Imposed A Construction Fee For Alma St., Gladys St., And Lennon Ln. Area Low Pressure South Water Main Extension (Project No. 12-2039).

Resolution No. 2022-047  
A RESOLUTION REPEALING RESOLUTION NO. 2020-044 WHICH IMPOSED A CONSTRUCTION FEE FOR ALMA ST., GLADYS ST., AND LENNON LN. AREA LOW PRESSURE SOUTH WATER MAIN EXTENSION (PROJECT NO. 12-2039).

WHEREAS, pursuant to Resolution No. 2020-044 the City imposed a construction fee to recoup a portion of the cost of constructing a 12” main in Gladys Street from the area that benefited from the project; and

WHEREAS, there was a large time gap between construction of the project and the approval of the construction fee; and

WHEREAS, a number of properties in the benefited area have already connected to the City’s water system without paying the connection fee; and

WHEREAS, the benefited area identified for this project is generally located in steep terrain that will be difficult to develop; and

WHEREAS, a number of properties benefited by the project have already been developed and are unlikely to connect to the City’s water system in the future; and

WHEREAS, it has been determined that it is unfair to make the few remaining properties within the benefited area that are capable of supporting development pay a fee to connect to the City’s water system when so many others who are similarly situated have not been required to do so; and

WHEREAS, the City staff now believes it is in the City’s best interests to repeal the construction fees imposed in Resolution No. 2020-044.
NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that Resolution # 2020-044 is hereby repealed in its entirety.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

14. PW051022-04: Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid City and FMG Engineering for Wildwood Drive Reconstruction – Phase 2, Project No. 19-2506 / CIP No. 51003. In the amount of $252,700.00.

15. PW051022-05: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid and Bartlett & West, Inc for Professional Engineering Services for Shepherd Hills Water Booster Pump Station, Project No. 21-2682, CIP No. 51338 in the amount of $955,645.00.

16. PW051022-06: Authorize Staff to Advertise Bids for 2022 Chip Seal, Project No. 22-2706 / CIP 50549.22B. Estimated Cost $150,000.

17. PW051022-07: Authorize Staff to Advertise Bids for Robbinsdale Phase 6 Fairlane Drive Reconstruction Project No. 19-2518 / CIP No. 51232-C. Estimated Cost $3,551,000.00

18. PW051022-08: Authorize Staff to Advertise for Bids for Springbrook Acres Water Main & PRV Abandonment Project No. 21-2643 / CIP 51262; Estimated Construction Cost $2,210,000

19. PW051022-09: Authorize staff to advertise for bids of one (1) new current model year regenerative air sweeper. Estimated Cost is $275,000.

20. PW051022-10: Authorize Staff to purchase one Komptech Terminator 6000S from Hennen Equipment, Inc. through Sourcewell Cooperative contract# 050119-KMP in the amount of $873,768.00.

21. PW051022-11: Authorize staff to purchase a 4-desk cubicle system from Evergreen Office Products, matching pricing from Open Plan, GSA Contract Holder, Contract number GS-29F-0008S. Quoted price is $6,324 to include delivery and installation.

22. PW051022-12: Authorize staff to enter into an agreement with Dakota Pump to update the PLC (Programmable Logistics Controller) at the MRF Facility.

23. PW051022-13: Approve Authorization to Seek Proposals for Farming at the Water Reclamation Remediation Site

24. PW051022-14: Approve request from Peter Hendricksen for a variance to waive the requirement to install sidewalk along Wildwood Drive Rapid City, per City Ordinance 12.08.060.

Legal and Finance Committee Consent Items

26. LF051122-12 – Authorize Mayor and Finance Director to Sign Contract and Statement of Work for Professional Services Between SDN Communications and the City of Rapid City for Network Services for Several City Locations

27. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Dale Donat (RSVP+), Janene Donat (RSVP+), Fong Hao (RSVP+), Lyle Heinrich (RSVP+), Sally Monroe (RSVP+), Fanquin Zeng (RSVP+)

28. LF051122-02 – Approve Resolution No. 2022-044 a Resolution Updating Petty Cash Funds and Change Funds

RESOLUTION 2022-044
A RESOLUTION TO UPDATE PETTY CASH FUNDS AND CHANGE FUNDS
WHEREAS, the City Council previously adopted Resolution 2019-018 Re-Establishing Petty Cash Funds and Change Funds; and

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

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

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

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

WHERE AS, the City Council previously adopted Resolution 2021-075 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-103 A Resolution to Update Petty Cash Funds and Change Funds,

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

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

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

| Parks & Recreation | Meadowbrook Pro Shop Change Fund | $250.00 |
| Parks & Recreation | Tennis Pro Shop Change Fund | $150.00 |

NOW, THEREFORE, BE IT RESOLVED, that the Parks & Recreation – Meadowbrook Pro Shop Change Fund is increased by $250.00 and the Parks & Recreation – Tennis Prop Shop Change Fund is established at $150.00.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

29. LF051122-05 – Acknowledge March 2022 General Fund Cash Balance Report
30. LF051122-09 – Acknowledge March 2022 Sales Tax Report
31. LF051122-10 – Approve Resolution No. 2022-037 a Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2022-037
RESOLUTION LEVYING ASSESSMENTS FOR
ABATEMENT OF NUISANCES

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the condition of your property had constituted a nuisance. The City abated this nuisance. The cost of the abatement, including administrative costs, is the amount stated in the proposed Assessment Roll for Abatement of Nuisances.

2. The Assessment Roll for Abatement of Nuisances is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.

3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer, shall be certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer’s Office with the statutory interest rate.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director (SEAL)

ASSESSMENT ROLL FOR
CLEANUP OF MISCELLANEOUS PROPERTY
Resolution 2022-037

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<td>Lots H1 of said Lots 10 through 18</td>
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6
33. LF051122-03 – Approve Resolution No. 2022-042 a Resolution of Intent to Enter into a Concessionaire Agreement with Canyon Lake Resort

RESOLUTION NO. 2022-042
A RESOLUTION OF INTENT TO ENTER INTO A CONCESSIONAIRE AGREEMENT WITH CANYON LAKE RESORT 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 concessionaire agreement with Canyon Lake Resort for real property which is located in the City of Rapid City, South Dakota, and is a portion of the property commonly known as 2610 Chapel Valley Road and legally described as follows:

A portion of Tract 1-2 and Lot A-B of Tract 3, Rapid City Greenway Tract, Rapid City, Pennington County, South Dakota,

which property generally consists of a boat launch; and

BE IT FURTHER RESOLVED that a hearing will be held on June 1, 2022, at 6:30 p.m. to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, to consider the use 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 concessionaire agreement upon the terms and conditions as it shall determine in said resolution.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
/s/Steve Allender
Mayor

ATTEST:
/s/Pauline Sumption
Finance Director
RESOLUTION NO. 2022-038
A RESOLUTION ESTABLISHING THE CITY OF RAPID CITY 2022 ARCHERY ANTLERLESS DEER ACCESS PERMIT PROGRAM

WHEREAS, the deer population throughout the City of Rapid results in a number of conflicts between deer and people, including collisions between automobiles and deer that can result in extensive property damage, bodily injury, and in some cases even death; and

WHEREAS, the deer population can also cause property damage to home gardens, landscaping, and natural environments that are habitats for other species; and

WHEREAS, whitetail deer are a primary host to Black Legged (deer) ticks, the carrier of several human diseases, including Lyme Disease; and

WHEREAS, Chronic Wasting Disease, an always fatal neurological disease of cervids, has been found in the city limits of Rapid City and reducing deer densities has been indicated as one method that may limit the spread of the disease; and

WHEREAS, the Common Council recognizes that deer in urban areas, for the most part, lack predators to control deer populations and, in turn, deer in large numbers can cause significant habitat damage; and

WHEREAS, the City of Rapid City wishes to manage the deer population within the city limits of Rapid City; and

WHEREAS, the City of Rapid City adopted a revised deer management plan in 2012 entitled the Rapid City Deer Management Program in an effort to foster healthy deer populations; and

WHEREAS, sportsmen and women across the nation contribute the majority of the monies used to manage and conserve wildlife; and

WHEREAS, the City of Rapid City has an ordinance that generally prohibits archery deer hunting within City limits except for hunting by those individuals who obtain Access Permits pursuant to the City of Rapid City Archery Antlerless Deer Access Permit Program;

NOW, THEREFORE, BE IT RESOLVED by the Common Council that the City establishes the following City of Rapid City Archery Antlerless Deer Access Permit Program in order to help manage the deer population within the city limits of Rapid City.

City of Rapid City Archery Antlerless Deer Program

Permit Administration

A limited public archery hunt has been set up to manage the deer population within the city limits of Rapid City. This antlerless deer hunting opportunity, called the Rapid City Archery Antlerless Deer Program, will be administered by South Dakota Game, Fish and Parks (SDGFP) and the Rapid City Police Department (RCPD).
SDGFP will accept online applications from hunters for special municipal licenses. SDGFP will administer a draw for the municipal licenses through its online license system. Applications will be accepted June 1st through July 1st. Successful applicants will be notified by July 15th. Any remaining licenses will be available on a first come, first served basis. Normal fees for antlerless licenses will apply.

**Archery Hunting Licenses**

Those individuals successful in drawing a municipal license must attend an orientation briefing and pass a proficiency test before the license will be provided to the individual. Hunters successful in drawing a municipal license will have several options for utilizing additional licenses that are valid within the Rapid City hunting areas. Hunters are able to use any combination of the following archery licenses: Statewide Any Deer, West River Any Deer, Antlerless White-tailed deer and/or the municipal license that is valid within the described hunting units within Rapid City. Regardless of the license(s) used, only antlerless deer are allowed to be harvested. Only hunters who are successful in drawing a municipal license are authorized to hunt within city limits per city ordinance.

**Rules and Regulations**

All big game regulations, as well as the following rules, would apply to anyone hunting within the city limits of Rapid City pursuant to the municipal license. Only hunters successful in drawing a municipal license are allowed to hunt within Rapid City:

- A hunter must be a resident of South Dakota.
- A hunter must be 18 years of age to hunt alone. A hunter under the age of 18 must be accompanied (within arm’s reach) by a qualified adult supervisor.
- A hunter must possess a hunter safety education certificate.
- An individual successful in the municipal license draw will be required to pass a proficiency test prior to being allowed to participate in the hunt. The proficiency test will require a hunter to place 3 of 4 arrows in an 8” diameter circle at 30 yards with a broadhead tipped arrow and the archery equipment to be used while hunting within Rapid City.
- A hunter must attend a mandatory briefing and training held at the SDGFP Outdoor Campus - West located at 4130 Adventure Trail in Rapid City. Dates and times of the orientation will be sent to successful applicants.
- A hunter must obtain and display a Parking Permit distributed by SDGFP in his or her vehicle while the hunter is hunting in their assigned area.
- A hunter may only harvest antlerless deer.

Either SDGFP or RCPD may remove a hunter from the program for: failure to comply with the rules above and all big game regulations; the violation by a permittee of any provision of the Rapid City Municipal Code, state law, or federal law; or other good cause. A written order of revocation shall be hand-delivered, sent by first class mail to the permittee’s last known address, or sent by email to permittee’s last known email address. A written order of revocation is effective on the date that it is signed by either SDGFP or RCPD. A person who is removed from the program may appeal the revocation decision to the Common Council by submitting a written letter of appeal to the Rapid City Finance Officer or his or her designee within 14 calendar days of the effective date of the order of
revocation. If, upon consideration, a majority of the Council votes to overturn the order of revocation, then the license shall be reinstated.

**Hunting Locations and Periods**

Hunters will be required to stay within the boundaries of their hunting area at all times. Notably, the hunting may be different from the property boundaries. Hunters needing to retrieve downed game from outside of the Hunting Area will need to receive permission from the appropriate landowner or will be subject to trespass charges.

Temporary hunting blinds or trees stands will be allowed, but blinds may not be placed prior to a particular hunter’s access period and must be removed by the last day of their 28-day access window. Temporary tree stands may be used but the use of nails, screws, bolts or anything that will cause lasting damage to the tree is prohibited.

The first 7 hunting periods will last for 28 days starting on a Thursday and ending on a Wednesday with the eighth, and final, hunting period lasting a total of 25 days. In order to maximize hunter participation and opportunity, hunt periods will overlap with adjacent hunt periods as shown below. There will be no more than 2 hunters permitted to be hunting on a particular area at any given time. Hunting periods for 2022 will be as follows: Sept 1-Sept 28; Sept 15-Oct 12; Sept 29-Oct 26; Oct 13-Nov 9; Oct 27-Nov 23; Nov 10-Dec 7; Nov 24-Dec 21 and Dec 8-Jan 1

There will be 5 properties participating in the 2022 Rapid City Archery Antlerless Deer Program. All properties will have a maximum of one hunt area with the exception of the Bailey Property where there will be two hunt areas. There would be a maximum of 48 hunters licensed for this program during the fall and winter of 2022. The properties include Blessed Sacrament Church, Outdoor Campus – West Archery Complex, Park Drive Property, Bailey Property and Creek Drive. Maps are on file at the City Finance Office, 300 Sixth Street, Rapid City, SD 57701

Dated this 16th day of May, 2022.  

CITY OF RAPID CITY  
s/Steve Allender  
Mayor

ATTEST:  
s/Pauline Sumption  
Finance Director  
(SEAL)

36. LF051122-06 – Approve Resolution No. 2022-045 a Resolution Regarding Certain Leases

Resolution No. 2022-045  
A RESOLUTION REGARDING CERTAIN LEASES

WHEREAS, SDCL 9-12-5.1 provides that any lease of municipally-owned property “shall be for a term and upon the conditions provided by resolution of the governing body”; and

WHEREAS, the Common Council desires to delegate its ability to enter into leases of municipally-owned property that have: 1) terms of one hundred twenty days or less, or 2) annual values of five hundred dollars or less.
NOW, THEREFORE, BE IT RESOLVED by the Common Council that the Mayor or any department director may approve and sign a lease on behalf of the City if the lease is solely for municipally-owned property and: 1) has a term of one hundred twenty days or less, or 2) has an annual value of five hundred dollars or less. The lease and all of its conditions must be approved by the City Attorney’s Office before it is signed by the department director or Mayor.

BE IT FURTHER RESOLVED that any lease approved pursuant to this resolution is considered authorized by the Common Council.

Dated this 16th day of May, 2022. CITY OF RAPID CITY

s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

37. LF051122-14 – Authorize Mayor and Finance Director to Sign the FY21 Mid-Year CommonBond’s Contract and Covenants.

Community Development Consent Items
38. No. 22TP012- Authorize the Mayor and Finance Director to Sign the Agreement between the City of Rapid City and the City of Box Elder, and the City of Rapid City and Pennington County for Accomplishing the Rapid City Area Transportation Planning Process

Bid Award Consent Items
39. CC051622-04.1 - Approve award of Base Bid plus Alternate 1 (with VE Options) and Allowances for Rapid City - City Hall HVAC Upgrade, Project No. 22-2674 / CIP No. 51225 opened on May 10, 2022 to the lowest responsible bidder, Climate Control Systems & Service in the total amount of $979,134.00.
40. CC051622-04.2 - Reject all bids for E. Anamosa Street – Street and Storm Sewer Repairs, Project No. 21-2639 / CIP No. 51153 opened on May 10, 2022, and rebid at a later date.
41. CC051622-04.3 - Approve award of total bid for 2022 Street Patching, Project No. 22-2705 / CIP No. 50549.22A opened on May 10, 2022 to the lowest responsible bidder, Western Construction, Inc. in the amount of $196,473.00.

END OF CONSENT ITEMS

Mayor Allender read in item (PW051022-16) Acknowledge Solid Waste Presentation: Master Plan Status Update and Path Forward. Motion was made by Weifenbach, second by Lehmann to acknowledge. Assistant Public Works Director, Stacey Titus and Luke Rodig, with Burns and McDonnell, made the presentation. They went over the Master Plan Schedule Summary; Rate Adjustments (approved July 6, 2021); Plan Recommendations with Rate Adjustments; Recent Issues / Considerations for Plan; and Finalizing Master Plan: Path Forward with two options which include expanding the existing land or purchasing additional property away from the current landfill location. Looking for additional land off-site would need to be done 15-20 years in advance. Proposed option two would re-evaluate the projections going forward with the update tonnage information. The current site and expansion are predicated to last through 2040. Titus said the tonnages that have come in during the last two years has gone up considerably. Projections were based on 2020 year-end projections and a 1.8% population increase. What they are seeing now is significantly different and that’s what they want to look at. Salamun is concerned the timeline is not as far out as currently predicted. He thinks the explanation will be needed quicker than they are predicting. Titus said the first step is to acknowledge the presentation. Then public
works will work on amending the inflation numbers within the next two months. They hope to complete implementation by the Fall of 2022. Titus said the facility is stabilized now, so operations staff and public works staff can dedicate resources to reviewing the final reports. To implement the additional landfill location the city would be duplicating expenses with infrastructure needs as well as operational items. Evans stated if the land for the new location is not bought right now, the price will be more expensive later. Titus indicated that the state has helped with some grants and funding in the past, he is not aware of any federal funding. Tech stated this is a regional issue, not just a Rapid City issue. He has talked with Pennington County on becoming a regional organization, which would serve a lot of citizens of Pennington County. Motion carried 9-0.

Mayor Allender read in item (LF051122-11) Authorize the Mayor and Finance Director to Sign Loan Documentation with Black Hills Community Bank for Solid Waste to Purchase a Grinder in the Amount of $895,000.00. Weifenbach stated this grinder will save the landfill 15-20% more space. Motion was made by Salamun, second by Lehmann and carried 9-0 to approve.

Mayor Allender read in item (No. 22PL037) A request by Towey Design Group, Inc for Keating Resources for a Preliminary Subdivision Plan for proposed Lots 1 thru 15 of Black Hills Commerce Center Subdivision, generally described as being located southeast of the intersection of Dyess Avenue and E. Mall Drive. Roberts asked to abstain from this item. Motion was made Lehmann, second by Evans to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 2. Prior to submittal of a Development Engineering Plan application, the plat document shall be revised to show the proposed internal “Access and Utility Easement” as right-of-way or an Exception shall be obtained to allow an easement to serve more than four lots. 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 Traffic Impact Study shall be submitted for review and approval. In addition, construction plans addressing any required improvements identified within the Traffic Impact Study shall be submitted with the Development Engineering Plan application for review and approval; 4. Upon submittal of a Development Engineering Plan application, construction plans for Dyess Avenue shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the southern terminus in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall show the dedication of 35 feet of right-of-way, half of the required 70-foot wide right-of-way for a commercial street, with an additional 5 feet of right-of-way the first 200 feet as the street extends south from the intersection of E. Mall Drive 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; 5. Upon submittal of a Development Engineering Plan application, construction plans for the proposed interior access and utility easements shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street and shall include a cul-de-sac at the eastern terminus of the easement abutting proposed Lot 5 in compliance with Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. In addition, the plat document shall be revised to show the easement(s) with a minimum width of 70 feet and an additional 10 feet the first 200 feet as the easement(s) extends south from E. Mall Drive 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 a Development Engineering Plan application, access to proposed Lot 5 shall be clarified. In particular, if the proposed “shared approach” located on proposed Lot 4 is to provide access to proposed Lot 5 then the “shared approach” shall be relocated to the common lot line between the two lots and extended in length to accommodate traffic and turning movements; 7. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 8. Prior to approval of the Development Engineering Plan application, a Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 9. Prior to approval of the Development Engineering Plan application, a Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 10. Prior to approval of the Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 11. Prior to approval of the Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application; 12. Prior to approval of the Development Engineering Plan application, all redline comments from the Preliminary Subdivision Plan Review shall be addressed. In addition, the redline comments shall be returned with the Development Engineering Plan application.
Agreement shall be entered into with the City for all public improvements; 9. 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; 10. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 11. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 12. Prior to submittal of a Final Plat application, the plat document shall be revised to show “Mall Drive” as “E. Mall Drive” and to show “Dyess Ave” as “Dyess Avenue”; 13. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements created with the proposed development. In addition, Major Drainage Easements shall be dedicated for all drainage improvements; 14. 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, 15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. Motion carried 8-0 with Roberts abstaining.

NON-CONSENT ITEMS – Items 42 – 47

Ordinances
Mayor Allender read in item (No. 22RZ004) First Reading, Ordinance 6537, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Historic Rapid City for a Rezoning request from Medium Density Residential District to General Commercial District for property generally described as being located at 727 South Street. Motion was made by Jones, second by Evans to approve. Jean Kessloff said the facility was going to be open for future functions that are yet to be determined. Fisher said the commercial use was appropriate for the area. Evans and Drew expressed concern about the rezone. Strommen called the question. Motion carried 9-0 that Ordinance 6537 be placed upon its first reading and title was fully and distinctly read and the second reading set for June 6, 2022.

Mayor Allender read in item (No. 22RZ005) Approve First Reading, Ordinance 6538, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Stoneridge LLC for a Rezoning request from Low Density Residential District I to General Commercial District for property generally described as being located southeast of the intersection of 5th Street and Enchanted Pines Drive. Motion was made by Lehmann, second by Roberts to approve in conjunction with planned development designation; Weifenbach said the neighborhood developments are very nice. Motion carried 9-0 that Ordinance 6538 be placed upon its first reading and title was fully and distinctly read and the second reading set for June 6, 2022.

Mayor Allender read in item (LF051122-08) Approve First Reading of Ordinance No. 6539, An Ordinance Amending Section 15.04.030 of the Rapid City Municipal Code Regarding the Authority of the Building Official. Motion was made by Weifenbach, second by Drew and carried 9-0 that Ordinance 6539 be placed upon its first reading and title was fully and distinctly read and the second reading set for June 6, 2022.

Community Development Items
Mayor Allender read in item (No. 22PL038) A request by Ferber Engineering Company, Inc for Hay Land, LLC for a Preliminary Subdivision Plan for proposed Lot 1R of Silver Strike Subdivision, generally described as being located east of Tish Boulevard and north of E. Mall Drive. Motion was made by Lehmann, second by Roberts to approve with the following stipulations: 1. Upon submittal of a Final Plat
application, written documentation from all of the affected utility companies indicating approval of the vacation of the existing power easements on the property shall be submitted. Motion carried 9-0.

**Alcoholic Beverage License Renewals for 2022-2023**
Mayor Allender read in item (CC051622-02.1) Approve the attached list of 2022-2023 alcohol renewals per verification through Rapid City Police Department and Rapid City Fire Department (List can be viewed online or by request.) Motion was made by Jones, second by Roberts to approve the renewals. Motion carried 9-0.

**PUBLIC HEARING ITEMS** – Items 48 – 54
Kyle Treloar with Dream Design International showed a brief video regarding TID 86, Project 22TI002, for the Black Hills Industrial Center. He said he was there to answer any questions from Council.

**CONSENT PUBLIC HEARING ITEMS** – Items 48 - 51

**Alcohol Licenses**
48. Fu Wong LLC DBA Golden Phoenix Restaurant, 2421 W Main Street, for a Retail (on-off sale) Malt Beverage & SD Wine License and a Retail (on-off sale) Wine and Cider License TRANSFER from S & Y Inc. DBA Golden Phoenix Restaurant, 2421 W Main Street
49. B & B Kelley, LLC DBA Poker Joe’s, 211 Cambell Street, for a Retail (on-sale) Liquor License TRANSFER from Poker Joes Inc. DBA Poker Joes, 211 Cambell Street
50. Independent Beverage LLC DBA Windsor Block Bar, 627 St Joseph, for a Retail (on-sale) Liquor License TRANSFER from Tiki Investments, LLC, DBA Tiki Bar, 615 E North Street
51. Vita Sana Olive Oil Company LLC DBA Vita Sana Olive Oil Co., 628 St Joseph Street, for a Retail (on-off sale) Wine and Cider License TRANSFER from Vita Sana Olive Oil Company LLC DBA Vita Sana Olive Oil Company, 627 St Joseph Street

Motion was made by Lehmann, second by Nordstrom to approve Items 48-51. Motion carried 9-0.

**END OF CONSENT PUBLIC HEARING CALENDAR**

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 52 - 54
Mayor Allender read in item (No. 22VR003) Approve Resolution 2022-032 – Resolution for Vacation of Right-of-Way of a portion of Lot H4 of the NE1/4 of the SW1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota property generally described as being located west of the intersection of Golden Eagle Drive and Villaggio Lane. (This item was continued from April 26, 2022 Legal and Finance Meeting.) Motion was made by Evans, second by Roberts to approve. Motion carried 9-0.

Resolution 2022-032
Resolution of Vacation of Right-of-Way

WHEREAS, it appears that the right-of-way located in a portion of Lot H4 of the NE1/4 of the SW1/4 of the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota property generally described as west of the intersection of Golden Eagle Drive and Villaggio Lane, is not needed for public purposes; and

WHEREAS, the owners of property adjoining the above-described right-of-way desire said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", (a copy is kept at the RC Finance Office), and incorporated herein, is hereby vacated.
BE IT FURTHER RESOLVED, that the Mayor and Finance Director are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:

s/Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (No. 22TI002) Approve Resolution No. 2022-34 a Resolution Creating a Tax Increment District and Approve Resolution No. 2022-035 a Resolution to adopt Project Plan for the Black Hills Industrial Center – A request by Dream Design International, Inc for Black Hills Industrial Center, LLC for a Resolution to Create a Tax Increment Finance District and a Resolution to adopt a Project Plan for the Black Hills Industrial Center property generally described as being located along SD Highway 79 and Old Folsom Road. Motion was made by Roberts, second by Evans to approve with stipulations.

RESOLUTION NO. 2022-034
RESOLUTION CREATING THE BLACK HILLS INDUSTRIAL CENTER TAX INCREMENT FINANCING DISTRICT NUMBER EIGHTY-SIX, CITY OF RAPID CITY, AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the tax increment base of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of all taxable property in the City of Rapid City; and

WHEREAS, the Council finds that:

(1) Not less than twenty-five percent, by area, of the real property within the district is a blighted area or not less than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and

(2) The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the real property legally described as:

the N ½ of Section 29, T1N, R8E lying east of Highway 79; Highway 79 right-of-way located in the N ½ of Section 29, T1N, R8E; the SW ¼ SE ¼ of Section 20, T1N, R8E; that part of the E ½ SE ¼ lying southwest of Railroad right-of-way in Section 20, T1N, R8E; Old Folsom Road right-of-way and railroad right-of-way located in the E ½ SE ¼ of Section 20, T1N, R8E; the SE ¼ NW ¼ less Lots 1A, 2A, Lot H1, Lot H2 and ROW in Section 20, T1N, R8E; The E ½ SW ¼ of Section 20, T1N, R8E; that portion of the NW ¼ SE ¼ lying southwest of Old Folsom Road right-of-way and Railroad right-of-way in Section 20, T1N, R8E; that portion of the SW ¼ NE ¼ lying southwest of Old Folsom Road right-of-way and Railroad right-of-way in Section 20, T1N, R8E; Old Folsom Road and Railroad right-of-way located in the SE ¼
NW ¼; the SW ¼ NE ¼ and NW ¼ SE ¼ of Section 20, T1N, R8E; The W ½ SW ¼ less Lot B, less Lots H2, H3, H4, H5, H6, less Gruenig Addition and less Lot 1 of Lot A in Section 20, T1N, R8E; The East ½ of Lot P (aka Old Highway 79) located in Section 20, T1N, R8E; Old Folsom Road right-of-way located in the W ½ SW ¼ of Section 20, T1N, R8E; Highway 79 right-of-way located in the SW ¼ NW ¼ and W ½ SW ¼ of Section 20, T1N, R8E; Highway 79 right-of-way located in the SE ¼ NE ¼ and E ½ SE ¼ of Section 19, T1N, R8E; Tract A of Wasteland Subdivision, located in Section 19, T1N, R8E, Rapid City; Highway 79 right-of-way and Lots H1, H2 and H3 of the NE ¼ NE ¼ of Section 30, T1N, R8E, Rapid City; Highway 79 right-of-way located in the NE ¼ NE ¼ of Section 19, T1N, R8E, Rapid City; Highway 79 right-of-way located in the NW ¼ NW ¼ of Section 20, T1N, R8E, Rapid City; The 1000’ of Elk Vale Road right-of-way lying east of the Cambell Street and Highway 79 intersection located in Sections 17 and 20, T1N, R8E, Rapid City; the 700’ of Campbell Street right-of-way lying north of the intersection of Elk Vale Road and Catron Boulevard located in Sections 17 and 18, T1N, R8E, Rapid City; Catron Boulevard (Highway 16B) right-of-way located in Section 19, T1N, R8E, Rapid City; The 350’ of Catron Boulevard right-of-way lying west of the 5th Street intersection and within the City of Rapid City located in Section 24, T1N, R7E; the 300’ of 5th Street right-of-way lying north of the Catron Boulevard intersection located in Section 24, T1N, R7E and in Section 19, T1N, R8E, Rapid City; All in the Black Hills Meridian, Pennington County, South Dakota

is hereby designated as the Black Hills Industrial Center Tax Increment Financing District Number Eighty-Six, City of Rapid City, and is created as of the effective date of this resolution.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

RESOLUTION NO. 2022-035
RESOLUTION APPROVING THE PROJECT PLAN FOR THE BLACK HILLS INDUSTRIAL CENTER TAX INCREMENT FINANCING DISTRICT NUMBER EIGHTY-SIX, CITY OF RAPID CITY, AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans that promote economic development and growth in the City; and

WHEREAS, the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and

WHEREAS, there has been established the Black Hills Industrial Center Tax Increment Financing District Number Eighty-Six, City of Rapid City; and

WHEREAS, the Council deems it desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and

WHEREAS, this Tax Increment Financing District includes commercial property, thereby forming an economic development Tax Increment Financing District; and

WHEREAS, the Project Plan submitted helps make this development feasible by assisting with the development of an industrial center; and
WHEREAS, the use of Tax Increment funding to promote this development is in keeping with the statutes adopted by the South Dakota State Legislature; and

WHEREAS, the Project Plan submitted for this Tax Increment Financing District proposes these public improvements; and

WHEREAS, the Council has considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for the Black Hills Industrial Center Tax Increment Financing District Number Eighty-Six, City of Rapid City, is economically feasible; and

WHEREAS, the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the Project Plan of the Black Hills Industrial Center Tax Increment Financing District Number Eighty-Six, City of Rapid City, be and hereby is approved as submitted by the Rapid City Planning Commission.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (No. 22RZ003) Approve Second Reading, Ordinance 6536, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Indigo Design, LLC for Dakota Heartland, Inc. for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located at 4112 Berniece Street. Having passed its first reading on May 2, 2022, motion was made by Drew, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Salamun, Jones, Lehmann, Evans, Weifenbach, Roberts and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6536 was declared duly passed upon its second reading.

EXECUTIVE SESSION - Motion was made by Jones, second by Roberts and carried to go into Executive Session at 8:21 p.m. for the purpose permitted by SDCL 1-25-2(1) to discuss information listed in subdivisions 1-27-1.5(8) and 1-27-1.5(17). Motion was made by Jones, second by Evans and carried to come out of Executive Session at 8:34 p.m. with all members present. There was no action taken.

BILLS
BILL LIST - MAY 16, 2022

P/ROLL PERIOD END 04/23/22, PD 04/29/22 2,211,513.63
CDEV P/ROLL PERIOD END 04/23/22, PD 04/29/22 2,983.49
PIONEER BANK & TRUST, 04/23/22 P/ROLL TAXES, PD 04/29/22 303,014.37
CDEV PIONEER BANK & TRUST, 04/23/22 P/ROLL TAXES, PD 04/29/22 405.92
WELLMARK INC, HEALTH CLAIMS THROUGH 05/06/22, PD 05/12/22 141,640.31
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 05/02/22, PD 05/03/22 4,676.53
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 05/09/22, PD 05/10/22 12,263.19
SOUTH DAKOTA RETIREMENT SYSTEM, APR22 RETIREMENT, PD 05/03/22 808,343.56
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 05/04/22,
Sumption presented the bill list of $11,581,650.18. Motion was made by Salamun, second by Roberts and carried to authorize (No. CC051622-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 9-0.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Lehmann, second by Roberts and carried to adjourn the meeting at 8:35 p.m.

Dated this 16th day of May, 2022.

CITY OF RAPID CITY

s/ Steve Allender

Mayor

ATTEST:

s/ Pauline Sumption

Finance Director

(SEAL)

Published at the approximate cost: ______________