

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
Monday, August 1, 2022

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, August 1, 2022, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Jason Salamun, Ritchie Nordstrom, Pat Roseland, John Roberts, Pat Jones, Bill Evans, Laura Armstrong, and Lance Lehmann; the following were absent: Jesse Ham; 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, Recreation Division Manager Doug Lowe, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Armstrong, second by Roberts and carried to approve 9-0.

PRESENTATION

Tom Johnson, President and CEO, of Elevate Rapid City gave the council an update on Economic and Community Development. Johnson's update included topics such as Economic Development; Innovation and Entrepreneurship; Workforce and Talent Attraction; Small Business, Business Advocacy and Quality Growth and ASED and Military Affairs. He spoke on the number of jobs that have increased from 2018 to 2022. He spoke on Business Retention and Expansion Visits as well as Targeted Industries. He indicated that he normally updates the council every 6-8 months.

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

Coy Bifulco addressed the council. He volunteers at Wilson Park. He said the school and the area around it need better protection for the children. He has found alcohol bottles, needles and people passed out around there. He would like more protection at that location.

NON-PUBLIC HEARING ITEMS -- Items 2 – 34

CONSENT ITEMS – Items 2 – 32

The following items were removed from the Consent Items:

22. LF072722-08 – Authorize the Mayor and Finance Director to Accept and Sign the Johns Hopkins Agreement and subsequent JourneyOn Contract Providing Wages to JourneyOn's Project Director in the Amount of \$20,000.00
28. LF072722-10 – Authorize Staff to Employ Outside Counsel and Authorize Counsel to File Suit Against Weston Engineering, Inc. Concerning Well No. 8 Pump Replacement 2018 Project No. 17-2421 / CIP No. 51188

Motion was made by Salamun, second by Jones to approve the Consent Items with the exception of 22 and 28. Motion carried 9-0.

Approve Minutes

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

Vacations of Right-Of-Way Set for Hearing (Tuesday, September 6, 2022)

2. No. 22VR005 - A request by KTM Design Solutions, Inc for BH Capital LLC for a Vacation of Section Line Right-of-Way for property generally described as being located north of the northern terminus of N. Valley Drive.

Alcoholic Beverage License Applications Set for Hearing (August 15, 2022)

3. Naja Shrine Temple, 4091 Sturgis Road, for a SPECIAL EVENT (On-Sale Dealer) License for an event scheduled for September 3, 2022 at the Rapid City Shrine Center, 4091 Sturgis Road
4. Happy Hills Painting LLC DBA Happy Hills Painting for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License at 2200 N. Maple Ave. Suite 462
- 5A. El Nevado LLC DBA El Nevado for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License at 510 St. Joseph Street

Public Works Committee Consent Items

5. PW072622-01: Approve Adoption of the Rapid Transit System (RTS) Public Transportation Agency Safety Plan (PTASP) with updates listed on page two under Version Number & Updates.
6. PW072622-02: Authorize Mayor and Finance Director to sign easement document allowing Black Hills Power, Inc. to construct, operate, and maintain, repair, alter, inspect, remove, upgrade, enhance, and replace an electric power line with poles upon and across portions of the Solid Waste Facility property.
7. PW072622-03: Authorize Mayor and Finance Director to Sign Amendment Number 1 to the Professional Services Agreement with FMG Engineering, for Perrine and Unnamed Tributary Drainage Basin Design Plan (DBDP) Amendment – Phase 4, Project No. 18-2430 / CIP No. 51189.4, for an Amount not to Exceed \$42,460.00.
8. PW072622-04: Approve Change Order #1F to Underground Construction, LLC for South Street Sewer Extension, Project #19-2538, CIP #51221, for an increase of \$1,342.00.
9. PW072622-05: Approve Change Order #2F to Underground Construction, LLC for St Andrew Street East of Palo Verde Drive Street Reconstruction and Utility Project, Project #20-2604, CIP #51260, for an increase of \$27,887.80.
10. PW072622-06: Approve Change Order #1F to Western Construction, Inc. for 2022 Street Patching, Project# 22-2705, CIP# 50549.22A, for an increase of \$34,479.92.
11. PW072622-07: Authorize Staff to Advertise for Bids for the WRF Aeration Basin Clariflocculator, Project Number 20-2629/ CIP Number 51129, Estimated Construction Cost \$10,200,000
12. PW072622-08: Approve Staff to Advertise for Bids for One (1) Current Model Year Tandem 6x6 Truck with Plow and Sander for Street Division. Estimated Cost \$356,058.
13. PW072622-09: Approve purchase of residential garbage and recycling containers from Omnia with vendor Rehrig Pacific Company for a total cost of \$43,938.52
14. PW072622-10: Authorize Mayor and Finance Director to Sign Resolution No. 2022-067 Construction Fee Resolution for Una Del Drive Reconstruction – 8” Sewer Main Per Benefit Fee, Project No. 19-2505.

Resolution # 2022-067

CONSTRUCTION FEE RESOLUTION FOR UNA DEL DRIVE RECONSTRUCTION
– 8” SEWER MAIN PER BENEFIT FEE PROJECT NO. 19-2505

WHEREAS, SDCL 9-48-15 and Section 13.16.350 of the Rapid City Municipal Code (RCMC) authorize the City Council to require properties benefited by the construction of sanitary sewer pipes or mains to pay their proportionate share of the cost to construct such sanitary sewer pipe or main prior to being allowed to connect to the City’s sanitary sewer utility; and

WHEREAS, an 8” sanitary sewer main was extended in Wildwood Drive and Una Del Drive per City Project No. 19-2505; and

WHEREAS, the total cost of constructing this sewer main was \$366,810.33, of which \$132,000 will be allocated on a per property basis; and

WHEREAS, the City's Engineering Services Staff had identified the total area that will benefit from construction of this sanitary sewer main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City's Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City's sanitary sewer utility; and

WHEREAS, the City Council has established a maximum connection fee of \$12,000 for sanitary sewer construction projects identified in the Source Water Protection Study (W07-1684) prepared by Stanley Consultants in July 2009; and

WHEREAS, the City Council has established discounted rates for connection to better incentivize property owners to connect to City gravity sewer earlier; and

WHEREAS, this project has been identified by the Director of Public Works as a source water protection project; and

WHEREAS, the City's Public Works Director is recommending the construction cost be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-property basis; and

WHEREAS, the City Council, having considered the recommendation of the City's Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its sanitary sewer utility that the owners of properties within the benefiting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City's sanitary sewer system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8" sanitary sewer main constructed in City Project No. 19-2505; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$12,000 to connect to the City's sanitary sewer utility. However, the discounted rate for connection within the first year after the date of approval of the construction fee resolution is \$7,500, and the discounted rate for connection within the second year after the date of approval of the construction fee resolution is \$10,000; and

BE IT FURTHER RESOLVED that in the event a property within the benefiting area shown on Exhibit A is sub-divided, each new property created shall pay \$12,000 to connect to the City's sewer utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the wastewater enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$132,000, plus \$12,000 for each new lot created, has been collected, or until all benefiting properties have connected to City sewer, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 1st day of August, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

15. PW072622-11: Authorize Mayor and Finance Director to Sign Resolution No. 2022-068 Construction Fee Resolution for Una Del Drive Reconstruction – 8” Water Main Per Benefit Fee, Project No. 19-2505.

Resolution # 2022-068

CONSTRUCTION FEE RESOLUTION FOR UNA DEL DRIVE RECONSTRUCTION – 8” WATER MAIN
PER BENEFIT FEE PROJECT NO. 19-2505

WHEREAS, SDCL Section 9-47-29 and Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, an 8” water main was extended in Una Del Drive per City Project No. 19-2505; and

WHEREAS, the benefiting properties vary in frontage length and acreage such that calculating the benefits on a purely frontage basis or a purely benefiting property basis would lead to relatively large fees for some parcels and relatively small fees for other parcels, for essentially the same benefit; and

WHEREAS, the total cost of constructing this water main was \$342,160.62, with \$169,685.38 of that cost attributed to costs to extend Southwest Zone Water to an area that directly benefits from its construction, and \$172,475.25 of that cost attributed to construction outside of the service area to provide operational benefits including looping of the system; and

WHEREAS, the City’s engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City’s water utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per property basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per property basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefiting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 8” water main shown in City Project No.19-2505; and

BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay \$28,280.90 per property to connect to the City's water utility; and

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund; and

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling \$169,685.38 has been collected, or until all benefiting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 1st day of August, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

16. PW072622-12: Confirm the appointment of Karen Bulman to the TIF District Review Committee.

Legal and Finance Committee Consent Items

17. LF072722-02 – Confirm the Appointment of David Zehntner to the Public Parking Advisory Board
18. LF072722-03 – Confirm the Appointment of Brook Kaufman to the Planning Commission
19. LF072722-06 – Authorize Mayor and Finance Director to Accept and Sign the Additional Project Safe Neighborhood (PSN) Grant Funding in the Amount of \$85,148.00
20. LF072722-07 – Authorize Mayor and Finance Director to Sign and Accept the Supplemental Project Safe Neighborhood Grant Funding in the Amount of \$8,598.00
23. LF072722-09 – Authorize Staff to Apply for and Accept if Awarded, the 2022 JAG Grant, in the Amount of \$118,961.00 used to Purchase Forensic Equipment
24. LF072722-13 – Authorize Staff to Purchase a Live Fire Training Tower from American Fire Training Systems, Inc. in the Amount of \$908,000 Through a General Services Administration Contract (GSA)
25. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Karen Collings (Library), Joan Bachmeier (RSVP+), Geraldine Ness (RSVP+), Ranae Pickar (RSVP+)
26. LF072722-04 – Approve Resolution No. 2022-064 a Resolution Cancelling Checks or Warrants Not Presented for Payment Within One Year of Date of Issuance

RESOLUTION #2022-064
RESOLUTION CANCELLING CHECKS OR WARRANTS NOT PRESENTED FOR
PAYMENT WITHIN ONE YEAR OF DATE OF ISSUANCE

WHEREAS SDCL 9-23-21 authorizes the governing body, by resolution, to cancel any check or warrant not presented for payment within one year of the date of issuance: and

WHEREAS the attached Appendix A contains a list of such checks not presented for payment within one year of the date of issuance; and

WHEREAS detailed information on the checks and warrants listed on Appendix A is on file and available for public inspection during normal business hours in the City Finance Office.

NOW, THEREFORE, BE IT RESOLVED that the checks shown on Appendix A totaling \$16,593.82 which have not been presented for payment within one year from the date of issuance be cancelled. Appendix A can be viewed at the City Finance Office.

Dated this 1st day of August, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

27. LF072722-01 – Accept Property (Tax IDs 71363 and 71365) Donated by Yasmeen Dream LLC and Authorize the Mayor and Finance Director to Sign All Documentation Related to the Donation
29. LF072722-11 – Approve Youth City Council Requests Authorization for Expenditure of \$250.00 of Approved Budget for Lunch and Snack Expenses During Their Summer Tour

Community Development Consent Items

30. No. 16TI004 – Approve Resolution 2022-062 to Dissolve Tax Increment District #78 for property generally described as being located east and west of Elk Vale Road between E. Highway 44 and the current terminus of East Fairmont Street.

RESOLUTION NO. 2022-062
A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NUMBER SEVENTY-EIGHT

WHEREAS, the City of Rapid City created Tax Increment District Number Seventy-Eight on October 3, 2016; and

WHEREAS, there are no longer any reimbursable project costs remaining to be paid; and

WHEREAS, the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46(2),

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Number Seventy-Eight be and is hereby dissolved.

BE IT FURTHER RESOLVED that any funds which are deposited in the Tax Increment District Number Seventy-Eight Special Fund, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 1st day of August, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

Bid Award Consent Items

31. CC080122-04.1 - Approve award of total bid of Bid Items #1A and #1B for 2022 Roof Replacement, Project No. 22-2691 / CIP No. 50098 opened on July 26, 2022 to the lowest responsible bidder, Black Hills Roofing Co. in the amount of \$578,175.00.
32. CC080122-04.2 – Approve award and purchase of (2) Two new 1-ton 4x4 regular cab single rear wheel chassis from Liberty Superstores in the amount of \$48,476.00 each for total of \$96,952.00.

END OF CONSENT ITEMS

Mayor Allender read in item (LF072722-08) Authorize the Mayor and Finance Director to Accept and Sign the Johns Hopkins Agreement and subsequent JourneyOn Contract Providing Wages to JourneyOn's Project Director in the Amount of \$20,000.00. Lehmann stated he needed to abstain. Motion was made by Nordstrom, second by Armstrong to approve. Motion passed 8-0 with Lehmann abstaining.

Mayor Allender read in item (LF072722-10) Authorize Staff to Employ Outside Counsel and Authorize Counsel to File Suit Against Weston Engineering, Inc. Concerning Well No. 8 Pump Replacement 2018 Project No. 17-2421 / CIP No. 51188. Motion was made by Jones, second by Salamun to approve. Landeen explained outside counsel is sometimes hired because they handle more litigation. Motion carried 9-0.

NON-CONSENT ITEMS – Items 33 – 34

Mayor Allender indicated that the number of speaker request forms might take an hour for everyone to speak. Council discussed 20 to 30 minutes per side to discuss the topic. There was no exact time limit voted on. He asked that speakers try not to repeat their comments. Citizens that spoke in favor of the resolution were: Bill Young, William Waggoner, Ross Brown, David Holland, Larry Mann, Jamie Giedal, Mark Bowron, Ben Wudtke, Elthina Three Stars, Jay Davis, Alan Anderson, Cathy Thrash, Susan Kelts, Haley Friedt, Justin Herreman, David Hanna, Annie Bachand, Linda Antolic, and Jeremiah Moreno. Those in favor of the resolution gave the following reasons why they supported the resolution: protect the watershed, they don't want the mining to contaminate our soils, citizens love the Black Hills and our quality of water, cultures consider water sacred and drilling could hurt the land and the animals. Ben Wudtke spoke on behalf of BHFRA and said this project is not Homestake and wants council to consider the mining. Mark Bowron, Professor at SDSMT, was not speaking on behalf of the school. He said there is no risk of cyanide or toxins in the watershed. Larry Mann said this is about an exploration project. He doesn't want there to be misinformation. Rob Hall, head of mining department, was not in favor of the resolution.

Community Development Items

Mayor Allender read in item (No. 22PL073) A request by D.C. Scott Land Surveyors, Inc for Dave and Joyce Whittington for a Preliminary Subdivision Plan for proposed Lot 13A and 13B of Moon Meadow Estates, generally described as being located at 3467 Moon Meadows Drive. (Armstrong left the meeting at 7:48 p.m.) Motion was made by Lehmann, second by Strommen to approve with the following stipulations: Upon submittal of a Development Engineering Plan application, all applicable information required per 16.12.040 of the Rapid City Municipal Code shall be submitted; 1. Upon submittal of a Development Engineering Plan application, all applicable engineering design reports required for construction approval per Section 1.15 of the Infrastructure Design Criteria Manual shall be submitted. 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; 2. Upon submittal of a Development Engineering Plan application, an Engineer's Cost Estimate shall be submitted for review and approval; 3. Upon submittal of a Development Engineering Plan application, construction plans for a sidewalk along Moon Meadows Drive shall be submitted for review and approval or the applicant shall obtain a variance from the Rapid City Council to waive the sidewalk construction requirement; 4. Upon

submittal of a Development Engineering Plan application, a water maintenance agreement shall be submitted if a shared well is used to serve proposed Lot 13A; 5. Upon submittal of a Final Plat application, an easement for the water line serving proposed Lot 13B shall be secured. In addition, a copy of the recorded easement shall be submitted; 6. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval for a water tank and pump that supplies a sufficient amount of water volume and pressure to meet the fire flow requirement or the applicant has the option to install automatic sprinkler suppression systems. If the applicant chooses to install fire sprinkler systems in lieu of providing the construction plans, then 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 prior to submittal of a Final Plat. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, prior to submittal of the 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; 7. Upon submittal of a Development Engineering Plan application, construction plans for fire apparatus turnarounds pursuant to Section 2.13 of the Infrastructure Design Criterial Manual shall be submitted for review and approval for proposed Lots 13A and 13B or criteria for obtaining an Exception shall be met. If an Exception is obtained a copy of the approved document shall be submitted with the Development Engineering Plan application; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 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. Upon submittal of a Final Plat application, the plat document shall be revised to show an additional 17 feet of right-of-way dedicated along Moon Meadows Drive or criteria for obtaining an Exception shall be met. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application; 12. Prior to submittal of the Final Plat application, an approach permit for the existing approach shall be filed with the Pennington County Highway Department. Documentation acknowledging that this requirement has been met shall be submitted with the Final Plat application; 13. Upon submittal of a Final Plat application, any necessary covenant or maintenance agreements shall be provided for maintenance and ownership of any proposed access easements; 14. Upon submittal of the 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.

Council Items & Liaison Reports

Mayor Allender read in item (LF072722-12) Discussion about Jenny Gulch Exploration Drilling Project by F3 Gold, LLC and Approval of Proposed Resolution 2022-069. Salamun said he is not in favor of the mining project. He would like some paragraphs taken out of the current proposed resolution. He could stand by revised resolution. Armstrong returned at 7:51 p.m. Jones agreed with Salamun and would approve a revised resolution. Roseland said mining is not worth the risk of contaminating the water. Motion was made by Armstrong, second by Nordstrom to approve the resolution. Armstrong stated it is false that F3 is only mining for exploratory purposes. She said there should never be mining in our main water supply. She wants council to be effective leaders who value our resources and listen to what our community wants. Evans strongly agreed with Armstrong. Nordstrom agreed that some of the paragraphs needed to be taken out of the resolution. Substitute motion was made by Strommen, second by Nordstrom to approve the resolution without paragraphs 5, 6, 7 and 11. Each of those paragraphs were read into the record. In response to a question from Armstrong, Tech confirmed there are no "real-time" alerts for spills. Salamun would like the council to come together to give unanimous support of the resolution. Motion passed 7-2 to approve with the removal of paragraphs 5, 6, 7 and 11, with Roberts and Lehmann voting no the revised resolution.

RESOLUTION NO. 2022-069

RESOLUTION IN OPPOSITION TO THE UNITED STATES FOREST SERVICE'S FINDING OF NO SIGNIFICANT IMPACT FOR THE JENNY GULCH GOLD EXPLORATION PROJECT BY F3 GOLD, LLC

WHEREAS, the U.S. Department of Agriculture, National Forest Service, Mystic District has given preliminary approval to F3 Gold LLC to explore for gold in the Rapid Creek watershed; and

WHEREAS, the Common Council of the City of Rapid City has expressed its opposition to exploration and potential gold mining in the Rapid Creek watershed during a specified comment period; and

WHEREAS, the Rapid Creek watershed and its connected aquifers are the sources for Rapid City's water supply; and

WHEREAS, the City of Rapid City is a major owner of the outflow of the waters of the Pactola Reservoir; and

WHEREAS, the Rapid Creek watershed, including Pactola Reservoir, is a major recreation and tourism area, providing significant revenue to Rapid City's economy; and

WHEREAS, maintaining the quality and quantity of the water supply is of utmost importance to the City and to Ellsworth Air Force Base; and

WHEREAS, objections on approval of the F3 Gold LLC Jenny Gulch project are due to the U.S. Forest Service, Mystic District, by August 22, 2022; and

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that due to the potential risk to the Rapid Creek watershed, the City's water supply, and the local economy, the City expresses opposition to the Forest Service's finding of no significant impact and its preliminary decision to issue the permit to allow gold exploration in the Rapid Creek watershed.

Dated this 1st day of August, 2022

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST
s/Pauline Sumption
Finance Director
(SEAL)

PUBLIC HEARING ITEMS – Items 35 – 39**CONSENT PUBLIC HEARING ITEMS** – Items 35 – 37**Alcohol Licenses**

35. Roam'n Around LLC DBA Roam'n Around for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License at 512 Main Street, Suite 140
36. West Boulevard Neighborhood Association, 1601 Mt. Rushmore Road, Suite 3, for a SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event scheduled for September 10, 2022 at the West Boulevard Neighborhood Association Block Party. *(There is a map on file at the RC Finance Office for the parameters of the block party.)*

Assessment Rolls

37. LF072722-05 – Approve Resolution No. 2022-059B a Resolution Levying Assessment for Downtown Business Improvement District 2022

RESOLUTION NO. 2022-059B

RESOLUTION LEVYING ASSESSMENT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT
2021 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 amount which each lot or tract shall be benefited by the Business Improvement District 2022 is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Business Improvement District 2022 is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described. The full assessment roll can be viewed at the Rapid City Finance Office.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Director shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 1st day of August, 2022.

NOTICE THAT ASSESSMENTS ARE DUE AND PAYABLE

NOTICE IS HEREBY GIVEN that the assessments mentioned in the assessment roll for Business Improvement District 2022 will become due and payable at the Office of the City Finance Director in one annual installment as fixed and determined by the governing body in said resolution, together with the interest on unpaid installments at the rate of six and one-half percent per annum, but that any such assessment or any number of installments thereof may be paid without interest, to the Finance Director at any time within thirty (30) days at the filing of the assessment roll in the Office of the City Finance Director on the 1st day of August, 2022. Installment payment will be credited in inverse order, last installment first.

Dated this 1st day of August, 2022

ATTEST
s/Pauline Sumption
Finance Director
(SEAL)

CITY OF RAPID CITY
s/Steve Allender
Mayor

Motion was made by Evans, second by Lehmann to approve items 35-37. Motion carried 9-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 38 – 39

Mayor Allender read in item (No. 22RZ009) Second Reading, Ordinance 6544, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Banner Communities LLC for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located at Elk Vale Drive at Concourse Drive and Jolly Lane at Jubilee Lane. Having passed its first reading on August 1, 2022, motion was made by Jones, second by Lehmann that the title be read the second time to approve with Planned Development Designation. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Salamon, Jones, Lehmann, Evans, Roseland, Armstrong, and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6544 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 22RZ010) Second Reading, Ordinance 6545, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by TSP, Inc for Nance L and John E Pruitt for a Rezoning request from Light Industrial District to Office Commercial District for property generally described as being located at 1949 Plaza Boulevard. Fisher addressed the council and stated that the applicant wanted to withdrawal the request. Motion was made by Armstrong, second by Strommen to acknowledge the applicant's request to withdrawal. Motion carried 9-0.

EXECUTIVE SESSION – Motion was made by Armstrong, second by Salamun to go into Executive Session at 8:25 p.m. to discuss the qualifications, competence, performance, character, or fitness of a public officer (Pat Jones) pursuant to SDCL 1-25-2(1). Executive Session was not attended by Roberts and Lehmann. Executive Session ended at 8:57 p.m. All members were present except Roberts and Lehmann.

STAFF DIRECTION - Motion was made by Armstrong, second by Salamun to dismiss any further action regarding Code of Conduct against Alderman Pat Jones; and that the investigative report be released to the public. Motion carried 6-0 with Jones abstaining and Roberts and Lehmann not present.

BILLS

BILL LIST - AUGUST 1, 2022

P/ROLL PERIOD END 07/16/22, PD 07/22/22	2,377,217.41
CDEV P/ROLL PERIOD END 07/16/22, PD 07/22/22	3,070.00
SUPP P/ROLL PERIOD END 07/16/22, PD 07/22/22	14,614.27
SUPP P/ROLL PERIOD END 07/16/22, PD 07/25/22	(373.46)
SUPP P/ROLL PERIOD END 07/16/22, PD 07/25/22	421.27
SUPP P/ROLL PERIOD END 07/16/22, PD 07/26/22	12,468.09
PIONEER BANK & TRUST, 07/16/22 P/ROLL TAXES, PD 07/22/22	601,781.30
PIONEER BANK & TRUST, SUPP 07/16/22 P/ROLL TAXES, PD 07/22/22	2,287.17
PIONEER BANK & TRUST, SUPP 07/16/22 P/ROLL TAXES, PD 07/25/22	(28.57)
PIONEER BANK & TRUST, SUPP 07/16/22 P/ROLL TAXES, PD 07/25/22	32.22
PIONEER BANK & TRUST, SUPP 07/16/22 P/ROLL TAXES, PD 07/26/22	953.81
CDEV PIONEER BANK & TRUST, 07/16/22 P/ROLL TAXES, PD 07/22/22	679.30
SOUTH DAKOTA DEPARTMENT OF REVENUE, JUN22 SALES TAX PAYABLE, PD 07/25/22	79,155.34
SOUTH DAKOTA DEPARTMENT OF REVENUE, APR22 SALES TAX PAYABLE CORR, PD 07/25/22	(5,565.46)
SOUTH DAKOTA DEPARTMENT OF REVENUE, JUN22 EXCISE TAX PAYABLE, PD 07/25/22	237.18
SOUTH DAKOTA DEPARTMENT OF REVENUE, JUN22 CCTR SALES TAX PAYABLE, PD 07/25/22	20,775.74
WELLMARK INC, HEALTH CLAIMS THROUGH 07/15/22, PD 07/21/22	188,102.70
WELLMARK INC, HEALTH CLAIMS THROUGH 07/22/22, PD 07/28/22	111,255.54
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 07/18/22, PD 07/19/22	7,452.77
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 07/25/22, PD 07/26/22	5,293.69
RISK ADMIN SERVICES INC, WORK COMP CLAIMS THROUGH 07/20/22, PD 07/21/22	17,234.49
RISK ADMIN SERVICES INC, WORK COMP CLAIMS THROUGH 07/27/22, PD 07/28/22	11,720.15
US BANK, CREDIT CARD CHARGES, PD 06/30/22	45,355.69
TROY KRULL, REHAB ESCROW LOAN OVERPAYMENT REFUND	241.92
SOUTH DAKOTA DEPT OF LABOR-REEMPLOYMENT, BENEFIT CHARGES, PD 07/21/22	805.50
BANK WEST, TID56 RUSHMORE CROSSING-HDRK, PD 07/22/22	100,186.86
BANK WEST, TID65 MINNESOTA ST, PD 07/22/22	156.92
CITY OF RAPID CITY, TID64 CABELA'S, PD 07/22/22	3,650.72

BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 07/26/22	2,200.29
BLACK HILLS ENERGY, ELECTRICITY, PD 07/26/22	109,210.27
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 07/21/22	111.73
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 07/26/22	22,919.06
COMPUTER BILL LIST	2,942,890.25
CDEV COMPUTER BILL LIST	5,671.05
SUBTOTAL	6,682,185.21
RSVP, P/ROLL PERIOD END 07/16/22, PD 07/22/22	2,390.81
RSVP, PIONEER BANK & TRUST, 07/16/22 P/ROLL TAXES, PD 07/22/22	567.33
RSVP, COMPUTER BILL LIST	1,036.95
TOTAL	6,686,180.30

Sumption presented the bill list of \$6,686,180.30. Motion was made by Jones, second by Salamun and carried to authorize (No. CC80122-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 7-0 with Roberts and Lehmann not present.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Strommen and carried to adjourn the meeting at 8:58 p.m.

Dated this 1st day of August, 2022.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____