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, September 19, 2022, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, John Roberts, Pat Jones, Bill Evans, Jason Salamun, Jesse Ham, Ritchie Nordstrom, Pat Roseland and Lance Lehmann; the following were absent: None; the following joined the meeting by telephone: 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, EMS Chief Brent Long, Interim Finance Director Tracy Davis, Community Development Director Vicki Fisher, Parks and Recreation Manager Jeff Biegler, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA
Motion was made by Salamun, second by Lehmann and carried to adopt the agenda 10-0.

PROCLAMATION
1. Mayor read in the Suicide Prevention Month Proclamation
2. Mayor read in the Constitution Week Proclamation
2A. Mayor Allender presented Finance Director Pauline Sumption with a plaque recognizing her service to the City of Rapid City for the past 15 years.

NON-PUBLIC HEARING ITEMS -- Items 3 – 37
CONSENT ITEMS – Items 3 – 31
17. PW091322-12: Authorize staff to advertise for Canyon Lake Pond Walls Reconstruction, Phase 1, Project PR20-6176 for $750,000.00
29. CC091922-04.1 - No bids were received for RC City Hall Phase 2 Renovation, Project No. 19-2675 / CIP No. 51225 opened on September 13, 2022. Staff recommends negotiating a contract in accordance with SDCL 5-18A-5(9) at the September 19, 2022 Council Meeting.

Motion was made by Jones, second by Lehmann to approve the Consent Items with the exception of 17 and 29. Motion carried 10-0.

Approve Minutes
3. Approve Minutes for the September 6, 2022 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (October 3, 2022)
4. BE LLC, DBA Benevolent Beauty for a new Retail (on-off sale) Malt Beverage and SD Farm Wine License and a Retail (on-off sale) Wine and Cider License at 623 St Joseph Street
5. Elevate Rapid City for a SPECIAL EVENT (On-Sale) Malt Beverage License and an (On-Sale) Wine License for an event scheduled for November 8, 2022, at Western Dakota Tech, 800 Mickelson Drive

Public Works Committee Consent Items
6. PW091322-01: Approve Change Order #4 to Zandstra Construction, Incorporated for Rapid City Landfill Cell 18 Debris Fencing & Phase II Berm, Project# 21-2641, CIP# 51202.1, for a decrease of $44,920.00
7. PW091322-02: Approve Amendment No. 1 to HDR Engineering for LaCrosse Street Interchange Utility Improvements Construction Professional Services Agreement, Project# 16-2318, CIP# 51108, for an increase of $10,850.00
8. PW091322-03: Authorize Mayor and Finance Director to sign Agreement Between Advanced Engineering and Environmental Services, LLC (AE2S) for Red Rock Canyon Drainage Basin Design Update, Project No. 22-2271 / CIP No. 51183 in the amount of $248,367.00
9. PW091322-04: Authorize Mayor and Finance Officer to Sign Professional Services Agreement Between the City of Rapid City and West Plains Engineering, Inc. for Well 10 and Well 11 Improvement Project, Project No. 22-2272, CIP No. 51362, for an amount not to exceed $148,800.00
10. PW091322-05: Authorize Mayor and Finance Director to Sign Amendment No. 1 to the Agreement between the City of Rapid City and FMG Engineering for Professional Engineering Services for Racetrack Draw Drainage Basin Design Plan (DBDP) Update, Project No. 20-2628, CIP No. 51391
11. PW091322-06: Authorize staff to use Emergency Procurement per SDCL 5-18A-9 to pay RCS Construction, Inc. for work performed to stabilize the Ellsworth Air Force Base Metering Facility and construct water main bypass
12. PW091322-07: Authorize staff to Advertise for Bids for Equipment Rental Rates for Snow Removal Operations. Estimated cost: $100,000.00
13. PW091322-08: Authorize purchase of new Kubota S Series SSV75PHFRC Skid Steer Loader from Jenner Equipment Company in the amount of $51,660.13 using Sourcewell CE and AG Contract #040319
14. PW091322-09: Authorize Mayor to Sign the Memorandum of Understanding between the City of Rapid City and Pennington County for Exchange of Snow Routes
15. PW091322-10: Authorize staff to update the Designation of Signature Authority for the Transit Award Management System (TrAMS)
16. PW091322-11: Authorize staff to update the Designation of Signature Authority for the Transit Award Management System (TrAMS)
17. PW091322-13: Approve the appeal and grant the Design Exception to install a temporary turnaround at the western terminus of Cadillac Drive

Legal and Finance Committee Consent Items

19. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Elizabeth Bauer (RSVP+), Susan Helgeland (RSVP+), Van Mettler (RSVP+)
20. LF091422-03 – Approve Request for Interfund Loan of $220,000.00 between the General Fund and the Ambulance Fund
21. LF091422-07 – Approve Resolution No. 2022-071 a Resolution Levy of Assessment for Abatement of Nuisances

RESOLUTION NO. 2022-071
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 19th day of September, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

ASSESSMENT ROLL FOR
CLEANUP OF MISCELLANEOUS PROPERTY
Resolution 2022-071

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<th>TAX ID#</th>
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<td>46795</td>
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<td>20516</td>
<td>RHONDA &amp; HARRY SCHIER</td>
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22. LF091422-06 – Authorize the Mayor and Finance Director to Sign the State of South Dakota Agreement/Letter of Agreement for the Air Quality Program
23. LF091422-02 – Authorize Mayor and Interim Finance Director to Sign Developer Agreement for Tax Increment District 86.
25. LF091422-00 - Acknowledge Sustainability Committee Presentation regarding Sustainability Coordinator given at the September 14, 2022, Legal and Finance Committee Meeting
26. 22TP020 – Approve the 2023-2026 Rapid City Area Transportation Improvement Program Final Report
27. LF091422-05 – Authorize the Mayor and Finance Director to Sign the FY22 CDBG Behavior Management Systems, Inc. Contract

Bid Award Consent Items
28. CC090622-04.3 – Approve award of base bid minus Value Engineering Deducts for Fire Station #1 Improvements, Project No. 20-2612 / CIP No. 51310 opened on August 30, 2022 to the lowest responsible bidder, MAC Construction Co., Inc. in the total amount of $14,397,891.00. This item was continued from the September 6, 2022 City Council meeting.
30. CC091922-04.2 – Approve Award of bid for One (1) New Current Model Year, Tandem 6x6 Truck with Plow and Sander in the amount of $371,765.00 to Floyd’s Truck Center as sole bidder.
31. CC091922-04.3 - Approve award of total bid for RCPD SW Precinct Renovation, Project No. 22-2714 / CIP No. 51368 opened on September 13, 2022 to the lowest responsible bidder, Lost Cabin Constructors, Inc in the amount of $319,300.00.

END OF CONSENT ITEMS

Mayor Allender read in item (PW091322-12) Authorize staff to advertise for Canyon Lake Pond Walls Reconstruction, Phase 1, Project PR20-6176 for $750,000.00. Biegler explained the limestone walls are crumbling. The concrete reconstruction will reinforce the walls as well as improve the fishing habitat and improve the appearance. Motion was made by Jones, second by Salamun to approve 10-0.

Mayor Allender read in item (CC091922-04.1) No bids were received for RC City Hall Phase 2 Renovation, Project No. 19-2675 / CIP No. 51225 opened on September 13, 2022. Staff recommends negotiating a contract in accordance with SDCL 5-18A-5(9) at the September 19, 2022 Council Meeting. Tech explained the construction consists of council chambers, minor offices, and the entryway. He explained these changes were already approved by council. He explained that council has the same authority to accept or change what is awarded when it is presented to them. Motion was made by Nordstrom, second by Evans to approve 10-0.

Non-Consent Items – Items 32 – 37

Open Public Comment – Items 32 – 37 (3-minute time limit per speaker)

Close Public Comment

Ordinances
Mayor Allender read in item (LF083122-21) Second Reading of Ordinance No. 6551 Regarding Supplemental Appropriation #3 for 2022. Having passed its first reading on September 6, 2022, motion was made by Nordstrom, second by Jones that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Salamun, Jones, Lehmann, Evans, Armstrong, Roberts and Roseland; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6551 was declared duly passed upon its second reading

Mayor Allender read in item (CC081722-03) Second Reading, Ordinance 6550, regarding FY2023 Appropriation Ordinance. Having passed its first reading on September 6, 2022, motion was made by Jones, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Jones, Evans, Armstrong, and Roseland; NO: Lehmann, Salamun, Ham and Roberts; whereupon the Mayor declared the motion passed 6-4 and Ordinance No. 6550 was declared duly passed upon its second reading

Mayor Allender read in item (LF091422-01) Approve First Reading of Ordinance No. 6552 Regarding Supplemental Appropriation #4 for 2022. Motion was made by Lehmann, second by Jones to approve.
Motion carried 10-0 that Ordinance 6552 be placed upon its first reading and title was fully and distinctly read and the second reading set for October 3, 2022.

Community Development Items
Mayor Allender read in item (No. 22PL087) A request by Dale Funderburk for Flatirons Design for a Preliminary Subdivision Plan for proposed Lot 2A and 2B of Block 2 of Village on the Green No. 3 Subdivision, generally described as being located northwest of the intersection of Anna Court and Saddle Hill Drive. Motion was made by Lehmann, second by Roseland and carried 10-0 to approve with the following stipulation: 1. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.

Mayor Allender read in item (No. 22PL090) A request by Renner Associates, LLC for Bill Freytag for a Preliminary Subdivision Plan for proposed Lots 15 thru 16 of Block 5, Lot 1 of Block 8 of Kateland Subdivision, generally described as being located Country Road West. Motion was made by Salamun, second by Lehmann to approve 9-0 (with Roberts abstaining) with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Petros Drive and Chalkstone Drive shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a local street 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; 2. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 3. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 4. 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; 5. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 6. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 7. 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; 8. 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, 9. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor Allender read in item (No. 22PL092) A request by Renner Associates, LLC for CPP Rushmore II LLC for a Preliminary Subdivision Plan for proposed Lot 1 and Lot 2 of Rushmore Crossing II, generally described as being located north of the intersection of Eglin Street and Luna Avenue. Motion was made by Roberts, second by Nordstrom to approve 10-0 with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for the access and utility easement shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a commercial street or shall meet criteria for obtaining an Exception. The plans shall include a public turnaround pursuant to Table 2-4 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If Exception(s) are obtained, a copy of the approved documents shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, the plat document shall be revised to show all necessary and/or proposed easements on the subject property; 3. Upon submittal of a Development Engineering Plan application, the Master Plan and Phasing Plan shall be revised to reflect the same lot numbering as proposed on the
plat document; 4. Upon submittal of a Development Engineering Plan application, all information pursuant to Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval, as applicable; 5. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 6. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 7. 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 Registered Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 8. Prior to approval of the Development Engineering Plan application, approval from the South Dakota Department of Agriculture and Natural Resources shall be secured; 9. Prior to approval of the Development Engineering Plan application, any necessary off-site easements shall be recorded; 10. 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; 11. 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, 12. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

PUBLIC HEARING ITEMS – Items 38 – 45
CONSENT PUBLIC HEARING ITEMS – Items 38-43
The following item was removed from the Consent Public Hearing Items:

42. Rapid City Cannabis, Inc. DBA Rapid City Cannabis for a new Retail (on-off sale) Malt Beverage and SD Farm Wine License and a Retail (on-off sale) Wine and Cider License at 3075 N. Plaza Drive, Suite B

Motion was made by Roberts, second by Lehmann to approve items 38-43 with the exception of 42. Motion carried 10-0.

Alcohol Licenses
38. Naja Shrine Temple, for four SPECIAL EVENT (On-Sale Dealer) Licenses for events scheduled for September 24, 2022, November 5, 2022, December 17, 2022 and December 31, 2022, at the Rapid City Shrine Center, 4091 Sturgis Road
39. Western Dakota Tech Foundation for a SPECIAL EVENT (On-Sale Malt Beverage) License, (On-Sale Wine) License, and a (Off-Sale Package Wine) License for an event scheduled for October 20, 2022 at Western Dakota Tech, 800 Mickelson Drive
40. Canyon Lake Activity Center, for a SPECIAL EVENT (On-Sale Malt Beverage) License and an (On-Sale Wine) License for an event scheduled for October 7, 2022 at Canyon Lake Activity Center, 2900 Canyon Lake Drive
41. Storybook Island for a SPECIAL EVENT (On-Sale Malt Beverage) License and an (On-Sale Wine) License for an event scheduled for September 23, 2022 at Storybook Island, 1301 Sheridan Lake Road
43. Main Street Square for a SPECIAL EVENT (On-Sale Dealer) License for an event scheduled for September 30, 2022 at Main Street Square, Sixth Street and Main Street

END OF CONSENT PUBLIC HEARING CALENDAR
Mayor Allender read in item 42. Rapid City Cannabis, Inc. DBA Rapid City Cannabis for a new Retail (on-off sale) Malt Beverage and SD Farm Wine License and a Retail (on-off sale) Wine and Cider License at 3075 N. Plaza Drive, Suite B. Fisher stated the applicant has met all the requirements. She indicated this was off-sale only and the customer could only buy alcohol if they had a medical marijuana card. This is not open to the general public. Jones is against issuing the license. Roberts stated when the council votes off of their feelings, the city has been sued in the past. Evans said the city should follow the law. Salamun asked if the establish is within the boundaries of a church. Fisher said no. The applicant has met all of the distant requirements. No CUP is required. Weaver explained the difference between on-sale and off-sale malt beverage and wine/cider license usage. Motion was made by Strommen, second by Jones to continue this item to the October 3, 2022, City Council Meeting.

NON-CONSENT PUBLIC HEARING ITEMS – Items 44-45
Mayor Allender read in item (No. 22RZ014) Second Reading, Ordinance 6549, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Ferber Engineering Company for Peaches, LLC for a Rezoning request from General Agricultural District to General Commercial District for property generally described as being located south of Eglin Street, west of Luna Avenue. Having passed its first reading on September 6, 2022, motion was made by Lehmann, 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, Ham, Armstrong, Roberts and Roseland; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6549 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 22VR005) Approve Resolution 2022-061 – Resolution for Vacation of Section Line Right-of-Way property generally described as being located north of the northern terminus of N. Valley Drive. Motion was made by Salamun, second by Roberts to approve. Motion carried 10-0.

Resolution 2022-061
Resolution of Vacation of Section Line Right-of-Way

WHEREAS it appears that the Section Line Right-of-Way located in the SW1/4 and the SW1/4 of the NW1/4 less the north 160 feet of Section 33; the S1/2 of the NE1/4, less Menard Subdivision, less North Valley Park Subdivision and less Shepherd Hills Subdivision; the NE1/4 of the SE1/4 less the west 400 feet and less Shepherd Hills Subdivision; the SE1/4 of the SE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the northern terminus of N. Valley Drive; is not needed for public purposes; and

WHEREAS the owner(s) of property adjoining to the above-described Right-of-Way desires said public Section Line 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", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Officer are hereby authorized to execute a release of public Section Line Right-of-way in regard thereto.

Dated this 19th day of September, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
## Bills

### Bill List - September 19, 2022

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</tbody>
</table>

Davis presented the bill list of $8,710,675.46. Motion was made by Salamun, second by Roberts and carried to authorize (No. CC091922-01) the Interim Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 10-0.

Evans asked for a Point of Privilege. He said he wished there could have been more discussion regarding the budget and hopes there can be more discussion next year.

### Adjourn

There being no further business to come before the Council at this time, motion was made by Jones, second by Strommen and carried to adjourn the meeting at 7:27 p.m.

Dated this 19th day of September, 2022.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

(Seal)

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