

ADA Compliance: The City of Rapid City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the City Finance Office 24 hours prior to the meeting so that appropriate auxiliary aids and services are available.

**AGENDA FOR THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., Monday, December 19, 2022**

ROLL CALL AND DETERMINATION OF QUORUM

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

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA

HOLIDAY MUSIC

1. Presented by Black Hills Showcase

FOLLOW-UP ITEM

2. Follow-up discussion regarding recent Rapid Creek flow reduction and Pactola Dam maintenance; and Discussion of Protocols for future events that require significant reduction in stream flows – Laura Armstrong

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

A time for the members of the public to discuss or express concerns to the Council on any issue not on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Council members present.

NON-PUBLIC HEARING ITEMS -- Items 3 – 43

Open Public Comment – Items 3 – 17 (3-minute time limit per speaker)

Close Public Comment

CONSENT ITEMS – Items 3 – 17

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

Approve Minutes

3. Approve Minutes for the December 5, 2022 Regular Council meeting.

Vacations of Right-Of-Way Set for Hearing (NONE)

Alcoholic Beverage License Applications Set for Hearing (January 3, 2023)

4. MG Oil Company DBA Corner Pantry 8, 302 E North Street for a Package (off-sale) Liquor License TRANSFER from Atlantis LLC DBA Fairfield Inn & Suites by Marriott, 1314 N Elk Vale Rd
5. Cimarron Casino Inc. DBA Pot-O-Gold Too II, 840 Timmons Blvd, Suite 1A for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc., DBA Pot-O-Gold Casino Too II, 840 Timmons Blvd Suite 1A
6. Cimarron Casino Inc. DBA Pot-O-Gold Too I, 840 Timmons Blvd Ste 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Too I, 840 Timmons Blvd Suite 1

7. Cimarron Casino Inc. DBA Wyngard Pot O Gold Casino Inc., 530 Cambell Street Suite 2 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino III, 530 Cambell Street Suite 2
8. Cimarron Casino Inc. DBA Lucky D's Casino III, 1330 E St Patrick St Suite 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino III, 1330 E St Patrick St Suite 1
9. Cimarron Casino Inc. DBA Lucky D's Casino, 1330 E St Patrick St, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino, 1330 E St Patrick St
10. Cimarron Casino Inc. DBA Pot-O-Gold Casino II, 530 Cambell Street Suite 1A for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino II, 530 Cambell Street Suite 1A
11. Cimarron Casino Inc. DBA Pot-O-Gold Casino, 530 Cambell Street Suite 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino, 530 Cambell Street Suite 1
12. Cimarron Casino Inc. DBA Lucky D's Casino II, 1330 E St Patrick St Suite 2, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino II, 1330 E St Patrick St Suite 2
13. Cimarron Casino Inc. DBA Pot-O-Gold Casino Too III, 840 Timmons Blvd Ste 7A , for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino Too III, 840 Timmons Blvd Ste 7A

Public Works Committee Consent Items (NONE)

Legal and Finance Committee Consent Items (NONE)

Community Development Consent Items (NONE)

Bid Award Consent Items

14. CC120522-04.1 - Approve award of "Well 12 VFD Upgrade Equipment Procurement, Project No. 22-2723.1 / CIP No. 51372" opened on November 22, 2022 to the selected proposer, O.J. Dupree Company in the amount of \$292,152.00.
15. CC120522-04.2 - 1. Authorize Staff to continue bid package negotiations with lowest responsive bidder, Complete Concrete, for Sioux Park Tennis Courts Reconstruction, Project No. PR22-6186, and to continue the bid award determination to the January 3, 2023 City Council Meeting.
16. CC121922-04.1 - Approve award of total bid for Signal Drive and Kellogg Place Street and Utility Reconstruction, Project No. 21-2670 / CIP No. 51170 opened on December 15, 2022 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$4,818,794.50.
17. CC121922-04.2 - Approve award for RCPD fleet vehicle bid totaling five (5) vehicles meeting specifications, from Liberty Superstore, for a total purchase price of \$197,928.00.

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 18 – 42

Open Public Comment – Items 18 – 42 (3-minute time limit per speaker)

Close Public Comment

Ordinances

18. LF121422-01 – Introduction and First Reading of Ordinance No. 6556 Regarding Supplemental Appropriation #5 for 2022
Recommendation: Approve

Public Works Committee Items

19. PW121322-01: Approve to Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid and Bartlett & West, Inc. for Well 12 VFD Upgrade Project No. 22-2723, CIP No. 51372 in the amount of \$224,900.00.
Recommendation: Approve
20. PW121322-02: Approve to Authorize Staff to Advertise for Bids for the Meade Street Water Reconstruction – 7th Street to 5th Street, Project No. 21-2679 / CIP 51077. Cost: \$740,000
Recommendation: Approve
21. PW121322-03: Approve Change Order #1 to Ty-Zack Concrete, Inc. for Omaha and LaCrosse Street Intersection Utility Upgrades, Project# 2488, CIP# 51212, for an increase of \$2,831.00.
Recommendation: Approve
22. PW121322-04: Approve Change Order #1F to Heavy Constructors, Inc. for Saint Cloud Street Reconstruction West Boulevard to 9th Street, Project# 2662, CIP# 51174, for a decrease of \$16,752.81.
Recommendation: Approve
23. PW121322-05: Approve to Authorize Mayor and Finance Director To Sign A Three-Year Contract With Azteca Systems, LLC – Cityworks To Upgrade The Current Standard AMS Enterprise License Agreement (ELA) For A Total Three-Year Commitment Not To Exceed \$173,000.00, Contingent Upon Acceptance of Requested Modifications To The Terms Of Agreement.
Recommendation: Approve
24. PW121322-06: Approve to Authorize Parks and Recreation Department to Harvest up to 250 Deer for the 2023 Rapid City Deer Management Program.
Recommendation: Approve
25. PW121322-07: Approve to Authorize Staff to Solicit Proposals for an Annual Fireworks Display in Rapid City, South Dakota for 2023, 2024 and 2025.
Recommendation: Approve

Legal and Finance Committee Items

26. LF121422-07 – Approve Airport 2023 Rates and Charges
Recommendation: Approve
27. LF121422-02 – Approve Resolution No. 2022-091 a Resolution Emphasizing Information Technology Security
Recommendation: Approve
28. LF121422-12 – Approve to Authorize Staff to Enter into a Rental Contract for a Maintenance/Storage Building Located at 1911 Lombardy Drive
Recommendation: Approve
29. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Mary Everson (RSVP+), Mary Hughes-Olson (RSVP+), Sue Sharpe (RSVP+), Margaret Weller (RSVP+), Neil Harder (RSVP+), Matthew Knowlton-Key (Police Department)
Recommendation: Acknowledge
30. LF121422-04 – Approve Resolution No. 2022-084 a Resolution Levying for Abatement of Nuisances
Recommendation: Approve
31. LF121422-05 – Approve Resolution No. 2022-089 a Resolution Declaring Miscellaneous Personal Property Surplus to be discarded/traded
Recommendation: Approve
32. LF121422-06 – Approve Request for Property Tax Abatement as Follows: David Biers (Tax ID 8008066) 2021, \$59.52, [Total for City of Rapid City: \$59.52]
Recommendation: Approve
33. LF121422-10 – Approve to Authorize Mayor and Interim Finance Director to Sign 2023 Election Agreement with Pennington County
Recommendation: Approve

- 34. LF121422-03 – Approve Resolution No. 2022-092 a Resolution of Intent to Enter into a Use Agreement with Rapid City Youth Boxing, Inc. for Property Located at 200 E Main Street North
Recommendation: Approve
- 35. LF121422-11 – Approve Resolution No. 2022-094, a Resolution of Intent to Enter into a Lease Agreement with Nexstar Media Inc. for property located in the Skyline Wilderness Area
Recommendation: Approve
- 36. LF121422-14 – Approve to Authorize Mayor and Interim Finance Director to Sign Release of Permanent Access and Utility Easement and Covenant Agreement Entered into with G and Q Investments, LLP
Recommendation: Approve

Community Development Items

- 37. 22TP032 – Approve to Authorize the Mayor and Interim Finance Director to Sign Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Transportation Planning Process in the Amount of \$788,550
Recommendation: Approve
- 38. 22TP037 – Approve the 2022 Unified Planning Work Program Amendment #22-02
Recommendation: Approve
- 39. No. 22PL120 - A request by Longbranch Civil Engineering, Inc for Tony Marshall for a Preliminary Subdivision Plan for proposed Lot 1 through Lot 13 of Lot 1 of Villas at the Villaggio, generally described as being located south of the intersection of Villaggio Land and Golden Eagle Drive.
Recommendation: Approve with stipulations

Alcoholic Beverage License 2023 Renewal Applications

- 40. CC121922-02 - Approve the following list of 2023 Alcohol Beverage License Renewals, which have been vetted and approved by the Rapid City Police Department and the Rapid City Fire Department.
Recommendation: Approve

| License # | Owner/Master Name | DBA | Tax Type |
|-----------|--------------------|-----------------------------|----------|
| RL-5863 | DB HOSPITALITY LLC | DAYS INN WEST | RL |
| RL-5889 | CITY OF RAPID CITY | AIRPORT RESTAURANT & LOUNGE | RL |
| RW-27909 | CITY OF RAPID CITY | MEADOWBROOK GOLF COURSE | RW |
| RW-28358 | CITY OF RAPID CITY | ROOSEVELT ICE ARENA | RW |
| RW-28359 | CITY OF RAPID CITY | EXECUTIVE GOLF COURSE | RW |

Mayor's Items

- 41. LF121422-08 – Confirm the Reappointment of Lynzie Montague to the Hotel BID Board
Recommendation: Approve Reappointment
- 42. LF121422-09 – Confirm the Reappointment of Christine Jones and the New Appointment of Timmi Bubac to the Rapid City Public Library Board of Trustees
Recommendation: Approve Reappointment

Council Items & Liaison Reports

- 43. LF121422-13 – Approve to Direct City Attorney’s Office to Draft a Resolution to Prohibit Use of TikTok on all City-issued Devices, Restrict Access to TikTok on City Networks, and Prohibit City Accounts on the TikTok Platform-Jason Salamun
Recommendation: Approve

Appeals (NONE)

*Planning Commission Appeals
License Appeals*

*Sign Code Appeals
Other Appeals Heard by the Council*

PUBLIC HEARING ITEMS – Items 44 – 48

Open Public Hearing (comment) - Items 44 – 48 (3-minute time limit per speaker)
[Public Hearing Remains Open]

Close Public Hearing (comment) - Items 44 – 48

CONSENT PUBLIC HEARING ITEMS – Items 44 – 45

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

Community Development Items (NONE)

Alcohol Licenses

- 44. Pennington County Democratic Party for a SPECIAL EVENT (on-sale) Wine License for an event scheduled for February 10, 2023 at Prairie Edge, 606 Main Street
- 45. Knights of Columbus Council 8844 for a SPECIAL EVENT (on-sale) Liquor License and an (off-sale) Package Wine License for an event scheduled for February 10, 2023 at Blessed Sacrament Church, 4500 Jackson Blvd

Assessment Rolls (NONE)

Other Items Requiring Public Hearings (NONE)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 46 – 48

- 46. No. 22PD031 – Second Reading of Ordinance 6543, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Ferber Engineering Co., Inc for Dakota Storytellers, LLC for a Planned Unit Development Zoning District and to authorize the Mayor, Community Development Director and Public Works Director to sign the PUD Zone Document for property generally described as being located east of N. LaCrosse Street and north of Mall Drive
Recommendation: Approve
- 47. No. 22RZ016 – Second Reading, Ordinance 6555, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by FMG Engineering for Ryan Tobin for a Rezoning from General Commercial District to Office Commercial District for property generally described as being located north of Camden Drive east of E. Anamosa Street.
Recommendation: Approve Rezone with a Planned Development Designation
- 48. 22VR006: Approve Resolution 2022-077 for a Vacation of Right-of-Way for property generally described as being located between Vale Street and St. Onge Street.
Recommendation: Approve

BILLS

- 49. No. CC121922-01 – Bill List for December 19, 2022

ADJOURN