



# CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-5035

## Community Development Department

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### MEMORANDUM

TO: Planning Commission

FROM: Sarah Hanzel, Long Range Planner III 

DATE: 6/7/18

RE: Withdrawal of City Sponsored Rezone Application 18RZ017

The rezone application from No Use District to Medium Density Residential District was associated with the pending annexation of the Prairie Acres South Mobile Home Park. On May 21, 2018 the City Council did not approve the Resolution of Intent to annex the property. As such, the City withdraws the rezoning application.

The Council meeting minutes are enclosed.

**Recommendation:** Acknowledge the withdrawal of 18RZ017



EQUAL OPPORTUNITY EMPLOYER

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
May 21, 2018

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, May 21, 2018 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Amanda Scott, Darla Drew, Ritchie Nordstrom, Lisa Modrick, Jason Salamun, Laura Armstrong, Steve Laurenti, Becky Drury and John Roberts; the following Alderpersons arrived during the course of the meeting: NONE and the following were absent: Chad Lewis.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Public Works Director Dale Tech, Police Chief Karl Jegeris, Community Development Director Ken Young, Division Fire Chief Jason Culberson, Parks and Recreation Director Jeffrey Biegler, and Administrative Secretary Angie Boeve

**ADOPTION OF AGENDA**

Motion was made by Scott, second by Salamun and carried to adopt the agenda.

**AWARDS AND RECOGNITIONS**

Mayor Allender presented the Veteran of the Month for May 2018 to Earl Fischer and recognized his efforts and dedication to the service of his country and community.

Mayor Allender presented the Extra Mile Award to MAC Construction and Dr. Robert Lemley for their renovation of the Landstrom's Building complex.

**PRESENTATION**

Mayor called attention to the Journey Museum Annual Report (Troy Kilpatrick). Vice Chairman, Troy Stevens addressed the council. He said this is his third year serving for the Journey Museum and Learning Center. He thanked everyone for their support and extended an invitation to all to visit the Journey Museum. He stated it has changed and is worth seeing. They have great things to see and new summer programs as well. Troy Kilpatrick thanked all for their continued support of the Journey Museum and Learning Center. He came on board as the Executive Director in December of 2013 and in 2014 they added the Learning Center to the title of the Journey Museum. They re-wrote their mission and vision statements in 2015. The mission is what you must do and your vision is what you wish to do. This past January, the Board, VIP members, volunteers and staff wrote short-term business goals. The most important is to create a capital expense plan that covers the museum's needs over the next five years. This is important at this stage and our age. From 2014-2017 they have increased the number of kids attending by 81%, paid attendance increased by 20% and the total audience growth was 30%. From 2015-2017, after adding the learning center, expenses are up 1.9% annually and revenue growth is up 4.75%. Recently, the HVAC system was in need of repair. They started battling the maintenance and upkeep in 2016, Kilpatrick thanked everyone again for finding \$40,000 in CIP funds and the Journey provided \$49,000 from their investments to help fix this system. The repairs were needed to help preserve and conserve the museum and its artifacts. The numbers in 2016 were slightly above the break-even point but in 2017 they will be below the break-even point because of the investments being made into their infrastructure. Education attendance for 2018 through April is down a little bit due to the bad weather in March and April that cancelled school trips and planetarium experiences, but they are catching up on them and they should be in good shape going forward. The really good news is that paid attendance is up 71% which is tied to the Turtle Soup programs and the Learning forums on Fridays and Sundays. They are tenaciously bringing programs in so they are having a fantastic run. On the financial side, with City money and money they are generating even though it is early in the year, they are staying ahead of the break-even point. Kilpatrick said the City dollars given to the Journey in 2013 and 2014 was

though. Drew stated she may have some names to contact if needed. Scott responded to Drew that it is hard to find qualified people because it is a huge time commitment. She thanked all that currently serve. She said meetings start at 7 a.m. and can last as long as two hours. Salamun thanked past and present members of the Commission and added that it helps keep some of the politics out of it and focus remains on making good decisions for the Community. Salamun asked the verbiage to remain, that says do regard shall be given to obtaining representation from all five wards. Motion was made by Laurenti, second by Nordstrom that the title be read the second time. Upon vote being taken the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Armstrong, Laurenti, Drury, and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6251 was declared duly passed upon its second reading.

Ordinance 6248 (LF050218-03) An Ordinance Regarding Supplemental Appropriation #3 for 2018 having passed its first reading on May 7, 2018 motion was made by Scott, second by Salamun that the title be read the second time. Upon vote being taken the following voted AYE: Scott, Drew, Nordstrom, Modrick, Salamun, Armstrong, Laurenti, Drury, and Roberts; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6248 was declared duly passed upon its second reading.

Ordinance 6257 (LF051618-03) An Ordinance to Amend Chapter 5.12 of the Rapid City Municipal Code to Incorporate Changes to State Law Regarding Alcoholic Beverages. Motion was made by Scott, second by Salamun and carried that Ordinance 6257 be approved and be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2018.

#### ***Public Works Committee Items***

Drew read in item (PW031318-15) Request funding to construct an approximately 1,400 ft. collector street to provide access to a proposed 175 acre residential subdivision located south of Catron Blvd. and east of Wellington Drive. Estimated cost of \$1,500,000. (This item was continued from the May 7, 2018 City Council Meeting.) Scott asked Tech to confirm the conversation with the applicant that no CIP funding would be used. Tech confirmed and added they have had conversations with the developer regarding a possible TIF request for improvements, but no solid proposal. Scott supports and believes the developer would agree to a denial of this in regards to CIP funding as they are reaching other funding avenues. Based on the information from the developer, some from as far back as 2005, Landeen responded to Salamun that in Landeen's opinion, there is no legal obligation to construct this road. The confusion comes from a lot-line adjustment with a neighboring property. If legally challenged, first argument would be that a right-of-way was not created, it existed prior to the plat and it was shown on the plat to avoid confusion. Should the court determine the ordinance doesn't allow for dedication of right-of-way, Landeen suggested vacating the plat. It's not that the City would be responsible for a 1.5 million dollar road. Salamun is for this project happening, but does not want funding taken from other projects to do so. Drew asked Tech if CIP funds had ever been used for new roads. Tech stated that recently the City allocated money to complete Elm Street, but the developer has not come forward to take any action on the roadway. Drew would like to look at other avenues for funding, maybe even a three way split. Tech commented that the developer has no interest in participating financially as they feel it is the city's responsibility. Laurenti hopes to see the project completed, but feels the City and taxpayers have done a lot for that area already. Motion made by Laurenti, second by Scott, to deny funding. Motion carried unanimously.

#### ***Community Development Department Items***

Drew read in item (18AN001) Approve a Request by the City of Rapid City to Consider an Application for a Resolution of Intent to Annex Prairie Acres South Mobile Home Park a Property Generally Described as Being Located North of Seger Drive, East of 143rd Avenue, West of Dyess Avenue. Motion was made by Modrick and second by Roberts to approve. Scott asked Young his opinion on this item. Young and his staff feel it would be better for the property to reach compliance before they are annexed. Amended motion was made by Drury, second by Laurenti to deny annexation until park is in compliance and hold off on the water rate increase for two years to give them time to come into compliance. Modrick asked

Young how many mobile home parks are 100% in compliance right now. Young said he did not have a specific number, but there are some that are and some that aren't. But he does not want to add to the code enforcement burden. Modrick believes the annexation should take place, as the Owners are showing their commitment to make this happen. Salamun commends the property owner for their efforts. He feels this is an opportunity to set a precedent that whenever a property is annexed into the community that it has to meet certain standards. It is fair to make them obtain a mobile home park license as a bare minimum and it is fair for the City to not charge them a 300% water rate increase. He will support the amended motion as it shows compassion. If they come into compliance before the two years, the annexation process can move forward. Landeen stated that if given the choice, he prefers waiving the 300% verses allowing the park into the city and not expecting it to meet the standard. There are a couple of mobile home park owners the City continues to fight with to get them in compliance and he worries about an equal protection challenge. We have made exceptions to the 300% in the past and it is less problematic. Nordstrom agrees the time frames and limits of the amendment is the way to go, the owner feels they can be in compliance in 120 days; he supports the amendment. Roberts hopes it only takes 120 days. He referenced a couple mobile home parks in the City that if they have licenses, they shouldn't. If the standards are too stringent they will lose a lot of affordable housing and we don't have enough of it as it is. Amended Motion to deny annexation and withhold applying the 300 percent upcharge for up to two years carried 7-2 with Roberts and Modrick voting no.

### ***Alcoholic Beverage License Applications – Renewals (Items 57 – 106)***

Motion was made by Laurenti, second by Salamun and carried unanimously to approve items 57-106 as they appear on the Consent Items with the exception of 102.

### **2018-2019 Retail (on-off sale) Malt Beverage License Renewals NO Video Lottery**

57. LaCosta LLC dba LaCosta Mexican Restaurant, 603 Omaha Street (RB-23973)
58. West Dakota Improv LLC dba West Dakota Improv LLC, 632 ½ St. Joseph Street (RB-23217)
59. Dakota Point Brewing LLC dba Dakota Point Brewing, 405 Canal St, Suite 1200 (RB-24991)
60. Frankie's LLC dba Thirsty's, 819 Main Street (RB-24529)
61. Two Lefties and Panchos Mexican Grill LLC dba Pancheros Mexican Grill, 1221 W Omaha Street (RB-2520)
62. Piesanos Pacchia Inc. dba Piesano's Pacchia, 3618 Canyon Lake Drive #121 (RB-3045)
63. 168 Inc dba China Luck Chinese Cuisine, 740 Mountain View Road (RB-3213)
64. Botticellis Ristorante Italiano Inc dba Botticellis Ristorante Italiano, 523 Main Street (RB-3444)
65. Diamond Hospitality LLC dba Howard Johnson Inn & Suites, 950 North Street (RB-3501)
66. City of Rapid City dba Rushmore Plaza Civic Center, 444 N Mt Rushmore Road (RB-3674)
67. Black Hills Coffee Company dba Stonewalls Espresso Café & Pizza; 5955 S Highway 16 Ste. G (RB-3913)
68. D & S Time Square Inc dba Breakroom Billiards, 355 11th Street (RB-21992)
69. Atlantis LLC dba Watiki Indoor Waterpark Resort, 1314 N Elk Vale Road (RB-2049)
70. PT Operations LLC dba Philly Teds Cheezsteaks at Main St Square, 502 Main Street (RB-23255)
71. Mai T Goodsell dba Saigon Restaurant, 221 E North Street (RB-2253)
72. Black Hills Works Foundation Inc dba Suzie Cappa Art Center, 722 St. Joseph Street (RB-22439)
73. Joaquin Martinez Martinez dba El Sombrero Mexican Restaurant, 1012 E North Street Ste A (RB-21038)
74. Lori Eggersgluess dba Mystique Edge Day Spa & Salon, 318 Mt Rushmore Rd Ste E (RB-21270)
75. The Garage LLC dba The Garage, 402 St. Joseph Street (RB-21672)
76. Rapid City/BH Lodging LLC dba Cambria Suites, 3333 Outfitters Road (RB-19950)
77. Canvas 2 Paint Inc dba Canvas 2 Paint, 632 St. Joseph Street (RB-20531)
78. K & P LLC dba Hay Camp Brewing Company, 601 Kansas City Street (RB-20940)
79. S & Y Inc dba Golden Phoenix Restaurant, 2421 W Main Street (RB-2973)
80. Platinum Restaurant Group, Inc. dba Marco's Pizza #3019, 3625 Jackson Boulevard (RB-19197)
81. Dakota Slice LLC dba Blaze Pizza, 1325 Eglin Street Suite 100 (RB-21252)
82. Golden Fortune Inc dba Golden Fortune Inc, 1118 E North Street (RB-2979)