

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

July 15, 2019

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, July 15, 2019, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Lisa Modrick, Ritchie Nordstrom, Darla Drew, Lance Lehmann, Laura Armstrong, Bill Evans, John Roberts Becky Drury and Chad Lewis; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: Finance Officer Pauline Sumption, Assistant City Attorney Carla Cushman, Assistant Police Chief Don Hedrick, Fire Chief Rod Seals, Community Development Director Ken Young, Long-Range Planner Kelly Brennan and Administrative Coordinator Heidi Weaver-Norris.

**ADOPTION OF AGENDA**

Motion was made Armstrong, second by Roberts to adopt the agenda.

**GENERAL PUBLIC COMMENT**

Hanna Hill spoke to the council regarding their trip to Apolda, Germany. She stated it was an incredible opportunity. She was thankful to experience the city in person. Megan Green and Gabriel Snyder expressed the same gratitude. Becky Drury also went on the trip. She was very impressed with the exchange program and the host families. She said Rapid City is fortunate for the opportunity to participate in this program. She stated adults from Apolda will be coming to Rapid City September 3-13, 2019. She encouraged more people to participate and is proud of the program.

Stewart Huntington voiced support for providing public information as well as the 6<sup>th</sup> and St. Joe project. However, he had concerns about the process to date.

Larry Petters voiced concerns on behalf of his client regarding item (No. 19CA002).

Ken Benusis voiced concerns about the parking near his business on the 800 block of Columbus St.

Ben Rolslund, managing member of JB Holdings LLC, provided an update on the project at 614 E Watertown Street in which he is involved and for which he has received CDBG funding.

**NON-PUBLIC HEARING ITEMS** -- Items 1 – 20

Nick Webster voiced concerns against (PW061119-01). Robert Durst would like to see the applicant complete all of the improvements. Brian Utzman and Alan Smoot, members of BP Rushmore, provided feedback on this project and advised that they would be willing to complete the sewer, water and part of Fox Road. However, they did not feel that some of the improvements were necessary.

**CONSENT ITEMS** – Items 1 – 19

The following were removed from the Consent Items:

9. PW061119-01: Deny Request from BPRushmore, LLC to eliminate requirements to build subdivision improvements for IGT Subdivision previously approved by City Council in 2007. (This item was continued from the June 17, 2019 city council meeting.)
16. LF071019-06 – Confirm the New Appointment of David Gustafson and Acknowledge the Appointment of Becky Drury to the Rapid City Airport Board of Directors.

Motion was made by Drew, second by Drury and carried to approve items 1-19 with the exception of items 9 and 16.

**Approve Minutes**

1. Approve Minutes for the July 1, 2019 Regular Council meeting.

**Vacations of Right-Of-Way Set for Hearing (August 19, 2019)**

2. No. 19VR003 - A request by Fisk Land Surveying and Consulting Engineers, Inc. for David Ritter for a Vacation of Right-of-Way for property generally described as being located on Wood Avenue lying south of Knollwood Drive

**Alcoholic Beverage License Applications Set for Hearing (August 5, 2019)**

3. WV LLC DBA Zymurcracy Beer Company, 4624 Creek Drive Suite 6 and rear of Suite 5 for a Retail (on-off sale) Malt Beverage & SD Farm Wine and Retail (on-off sale) Wine and Cider License TRANSFER from WV LLC DBA Zymurcracy Beer Company, 4624 Creek Drive Suite 6
4. Rod Hanson DBA Lucky Duck Casino Inc., 6639 Wellington Drive for a Retail (on-off sale) Malt Beverage & SD Farm Wine with video lottery TRANSFER from Hideaway Casino, 1575 Lacrosse St Suite D
5. Rod Hanson DBA Lucky Duck Casino Inc., 6639 Wellington Drive for a Retail (on-off sale) Malt Beverage & SD Farm Wine with video lottery TRANSFER from Frankie's LLC DBA Thirsty's (Inactive) 819 Main Street
6. Rapid City Chamber of Commerce for a SPECIAL EVENT On-Sale Malt Beverage license and On-Sale Wine license for an event scheduled for August 15, 2019 at Canyon Lake Activities Center, 2900 Canyon Lake Drive
7. Backroom Productions for a SPECIAL EVENT On-Sale Wine license for an event scheduled October 2, 2019 at Mt. Rushmore Society, 830 Main Street
8. Storybook Island for a SPECIAL EVENT On-Sale Malt Beverage license and On-sale Wine license for an event scheduled for September 6, 2019 at Storybook Island, 1301 Sheridan Lake Road

**Public Works Committee Consent Items**

10. PW070919-06: Confirm the reappointment of Maurice Miller to the Historic Sign Review Committee.
11. PW070919-01: Authorize Mayor and Finance Officer to Master License Agreement with CommNet Cellular Inc. d/b/a Verizon Wireless concerning small wireless facilities on City property and rights of way
12. PW070919-02: Authorize staff to advertise for bids 2019 Fire Hydrant Installation Annual Project.
13. PW070919-03: Authorize Mayor and Finance Officer to sign the "State of South Dakota Department of Transportation Bridge Improvement Grant Agreement for Preservation – Local Administration" for the East Main Street North Bridge (Structure # 52-424-302). City Project Number 19-2525 / CIP 51247.
14. PW070919-04: Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and Ferber Engineering Company, Inc. for 12th Street Reconstruction – West Main Street to Fulton Street, Project No.19-2499 / CIP No. 50927, for an Amount not to exceed \$379,565.00.
15. PW070919-05: Authorize Mayor and Finance Officer to sign Amendment No. 1 to Franklin Engineering & Consultants, L.L.C. (Franklin) Professional Services agreement for Solid Waste - Landfill Gas Collection and Control System (GCCS) Operations Compliance Assistance, Project No. 19-2510 in the amount of \$12,395.00.

**Legal & Finance Committee Consent Items**

17. LF071019-02 – Acknowledge May 2019 Sales Tax Report

- 18. LF071019-05 – Acknowledge Annual TID Report to Council

**Community Development Consent Items**

- 19. LF071019-01 – Approve the Community Development Block Grant (CDBG) FY2019 Reallocation Funds Preliminary Recommendation.

END OF CONSENT ITEMS

Mayor read in item (PW061119-01) Deny Request from BPRushmore, LLC to eliminate requirements to build subdivision improvements for IGT Subdivision previously approved by City Council in 2007. (This item was continued from the June 17, 2019 city council meeting.) After clarification from Tech, motion was made by Lewis, second by Drew to uphold subdivision improvements with the exception of Berglund Road improvements. Nordstrom, Modrick and Drury spoke in opposition to partial improvements being completed. Substitute motion was made by Modrick, second by Drury to deny request to waive subdivision improvements. Motion carried 6-4 with Lewis, Lehmann, Drew and Roberts voting against the denial.

Mayor read in item (LF071019-06) Confirm the New Appointment of David Gustafson and Acknowledge the Appointment of Becky Drury to the Rapid City Airport Board of Directors. Motion was made by Roberts, second by Nordstrom to approve. Motion carried 9-0 with Drury abstaining.

**NON-CONSENT ITEMS** – Item 20

**Ordinances**

Ordinance 6345 (LF071019-04) An Ordinance to Repeal the Compass Internal Audit Program by Repealing Chapter 2.95 of the Rapid City Municipal Code. Motion was made by Modrick, second by Drury and carried that Ordinance 6345 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, August 5, 2019.

**PUBLIC HEARING ITEMS** – Items 21 – 26

**CONSENT PUBLIC HEARING ITEMS** – Items 21 – 23

**Alcohol Licenses**

- 21. Rapid City Summer Nights for a SPECIAL EVENT On-Sale Malt Beverage and On-Sale Wine license for an event scheduled for July 27, 2019 at Rapid City Summer Nights location of 500 Block of 7<sup>th</sup> and 700 Block of St. Joe for the Combat Vets Street Dance
- 22. G3 Properties LLC DBA Overclock LLC, 4095 Sturgis Road for a Retail (on-off sale) Wine and Cider license and Retail (on-off sale) Malt Beverage & SD Farm Wine license

Motion was made by Armstrong, second by Drury and carried to approve consent public hearing items 21 and 22.

**Assessment Rolls**

Mayor read in item (LF071019-03) Approve Resolution No. 2019-014B a Resolution Levying Assessment for Downtown Business Improvement District 2019. Motion was made by Nordstrom, second by Lewis and carried to approve.

RESOLUTION NO. 2019-014B  
 RESOLUTION LEVYING ASSESSMENT FOR  
 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2019

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 2019 is the amount stated in the proposed assessment roll.
2. The Assessment Roll for Business Improvement District 2019 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 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 15th day of July, 2019.

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Pauline Sumption  
Finance Officer

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS**

Mayor read in item (No. 19CA002) Resolution 2019-059, a request by City of Rapid City for a Comprehensive Plan Amendment to revise the Rapid City Future Land Use Plan. Motion was made by Nordstrom, second by Armstrong to approve. Roberts voiced concern with the amended plan which Brennan addressed. Substitute motion was made by Lewis, second by Roberts to continue to the August 19, 2019 city council meeting. Motion carried 9-1 with Nordstrom voting no.

Ordinance 6340 (No. 19RZ020) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by AAB Engineering, LLC for Rupe Helmer Group for a Rezoning Request from General Agricultural District to General Commercial District for property generally described as being located east of Haines Avenue just north of Kathryn Avenue. Having passed its first reading on July 1, 2019 motion was made by Drew, second by Drury that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Strommen, Lewis, Armstrong, Drury, Evans, Roberts and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6340 was declared duly passed upon its second reading.

Ordinance 6341 (No. 19RZ021) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Jim Letner for Market Square, LLC for a Rezoning Request from Light Industrial District to Office Commercial District for property generally described as being located at the southwest corner of the intersection of E. Saint Charles Street and Creek Drive. Having passed its first reading on July 1, 2019 motion was made by Modrick, second by Armstrong that the title be read the second time. Upon vote being taken, the following voted AYE: Lehmann, Drew, Nordstrom, Strommen, Lewis, Armstrong, Drury, Evans, Roberts and Modrick. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6341 was declared duly passed upon its second reading.

**BILLS**

The following bills have been audited:

BILL LIST - JULY 15, 2019

P/ROLL PERIOD END 06/22/19, PD 06/28/19	2,128,981.63
SUPP P/ROLL PERIOD END 06/22/19, PD 07/01/19	1,094.94
PIONEER BANK & TRUST, 06/22/19 P/ROLL TAXES, PD 06/28/19	491,828.41
PIONEER BANK & TRUST, SUPP 06/22/19 P/ROLL TAXES, PD 07/01/19	149.45
WELLMARK INC, HEALTH CLAIMS THROUGH 06/21/19, PD 06/27/19	272,435.78
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/01/19, PD 07/02/19	8,994.55
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/08/19, PD 07/09/19	7,056.91
SOUTH DAKOTA RETIREMENT SYSTEM, JUNE19 RETIREMENT, PD 07/03/19	473,666.56
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE-ANDERSON, NIELSON, SCHROEDER, THOMPSON, TRUJILLO PD 06/28/19	225.00
SDRS-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE-DZINTARS, G. PD 07/02/19	45.00
BERKLEY ASSIGNED RISK SERVICES, JUN19 CLAIMS, PD 07/08/19	51,322.09
US BANK, CREDIT CARD CHARGES, PD 07/02/19	60,814.70
US BANK, CDEV CREDIT CARD CHARGES, PD 07/02/19	439.58
COMPUTER BILL LIST	4,903,555.85
CDEV COMPUTER BILL LIST	13,247.80
SUBTOTAL	8,413,858.25
RSVP, P/ROLL PERIOD END 6/22/19, PD 06/28/19	1,432.80
RSVP, PIONEER BANK & TRUST, 06/22/19 P/ROLL TAXES, PD 06/28/19	414.24
RSVP, COMPUTER BILL LIST	72.11
TOTAL	8,415,777.40

Sumption presented the bill list of \$8,415,777.40. Motion was made by Drury, second by Nordstrom and carried to authorize (No. CC071519-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Lewis, second by Drury and carried to adjourn the meeting at 7:44 p.m.

Dated this 15th day of July, 2019.

CITY OF RAPID CITY

ATTEST:

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Finance Officer

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Mayor

(SEAL)