PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
September 8, 2020

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, 300 Sixth Street, in Rapid City, South Dakota on Tuesday, September 8, 2020 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Pat Jones, Ritchie Nordstrom, Greg Strommen, Laura Armstrong, Jason Salamun, John Roberts, Lance Lehmann, Darla Drew and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Fire Chief Jason Culberson, Public Works Director Dale Tech, Community Develop Director Ken Young, IT Director Jim Gilbert, Parks and Recreation Director Jeff Biegler, Community Development Block Grant Manager, Michelle Schuelke, Deputy Finance Officer Tracy Davis, Long Range Planner Kip Harrington, Grants Compliance Manager Dave Yuhas and Administrative Secretary Angie Boeve

ADOPTION OF AGENDA
Motion was made by Armstrong, second by Lehmann and carried to adopt the agenda.

UPDATE
Mayor introduced John Kaiser, Operations Manager Central States Fair and Mike Kuhl, Director of Pennington County Buildings and Grounds for an update on Stall Barn Project for Pennington County. Kuhl said they were granted Vision Funds for this project and they came in under budget by $39,000. Kaiser said when they opened in May the impact was immediate. They have big rodeos they are hosting and since they have two barns, they can hold multiple events at the same time. Thanked the City and County for coming together to make this happen. Motion was made by Salamun, second by Armstrong to acknowledge. Salamun is happy the facility was completed and that intergovernmental agencies were able to work well together.

GENERAL PUBLIC COMMENT (3-minute time limit per speaker)
Chuck Henry said the new civic center arena is coming along nicely and on time.

Gary Wasson addressed the Council. He indicated that the rocks on Mt. Rushmore Road have still not been cleaned up. He has a medical scooter and the rocks get caught in his tires. When there is bad weather, the rocks end up on the sidewalks.

Nancy Tryon, Treasurer of the Daughter’s of the American Revolution, spoke on Constitution Week. It is annual and occurs during the week of September 17th through the 23rd as dedication for the servants of Constitution week. It is the 233rd anniversary of the drafting of the U.S. Constitution. The Rapid City group will celebrate it’s 100th anniversary in 2021.

Drew thanked the citizens and businesses of Rapid City who require masks during the pandemic.
NON-PUBLIC HEARING ITEMS -- Items 2 – 46
Chuck Henry spoke on item 20TP025, he said there has only been one public comment previously regarding Transportation Improvement Program. He thinks another public comment period should be allowed before it’s final.

CONSENT ITEMS – Items 2 – 36
The following items were removed from the Consent Items:

11. PW090120-06: Authorize Mayor and Finance Officer To Sign 2021-2023 Title VI Program Plan As Required by FTA To Receive Federal Transit Grant Funds

12. PW090120-08: Request from Kimberly and Shane Geidel (the property owners) for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 16.16.050, along Bradsky Road which is the west frontage of their property located at 23410 Bradsky Road.

14. 20TP025: Acknowledge the 2021-2024 Transportation Improvement Program - Final Report
15. 20TP029: Approve the Sixth Street Corridor Study – Draft Report
16. 20TP030: Approve the 2020-2023 Transportation Improvement Program Amendment # 20-004

Motion was made by Salamun, second by Jones and carried to approve items 2 – 36, except for items 11, 12, 14, 15 and 16.

Approve Minutes
2. Approve Minutes for the August 17, 2020 Regular Council meeting.
3. Approve Minutes for the August 17, 2020 Special City Council meeting.

Alcoholic Beverage License Applications Set for Hearing (September 21, 2020)
4. Naja Shriners for a SPECIAL EVENT On-Sale Malt Beverage License for an event scheduled for September 27, 2020 at Naja Shrine Center, 4091 Sturgis Road

Public Works Committee Consent Items
5. PW090120-10: Confirm the appointment of Jeremy Altman to the Historic Preservation Commission
6. PW090120-01: Approve change order 1F to Simon Contractors of SD. Inc. for East St. Cloud Inlay, Project #2531/CIP NO.51236 for a decrease of $3,649.95.
7. PW090120-02: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid and West Plains Inc. for Design and Bidding for Well 5 and Well 9 Professional Services, Project No. 20-2600 / CIP No. 51302, in the amount of $27,195.00.
8. PW090120-03: Approve and Authorize Mayor and Finance Officer to sign Amendment Number 1 with Ferber Engineering, Inc. for the Flormann Street Water Main Replacement Project, Mt Rushmore Road to Apollo Circle, Project No. 19-2512 /CIP 51235, in the amount of $10,643.80.
9. PW090120-04: Approve and Authorize Mayor and Finance Officer to sign Professional Services Agreement with Ferber Engineering Company, Inc. for the St. Andrew Street East of Palo Verde Drive- Street Reconstruction and Utility Project, Project No. 20-2604 / CIP 51260, in the amount of $78,110.00.

10. PW090120-05: Approve Correction to Award Recommendation 5th Street Panel Repair Project, Project No. 19-2533 / CIP No. 50445, awarded at the July 6, 2020 Council Meeting to the lowest responsible bidder, J.V. Bailey Co. Inc. in the amount of $226,350.50. The funding originally awarded was incorrect and should be 101/301 and 604/833. Bids were opened on June 30, 2020.

13. 20CA001: Approve Comprehensive Plan Amendment to Revise the Rapid City Future Land Use Plan - A request by City of Rapid City to consider Resolution 2020-066 an application for a Comprehensive Plan Amendment to Revise the Rapid City Future Land Use Plan

Resolution 2020-066
RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS, the City of Rapid City has engaged in the comprehensive planning process for the physical development of the municipality, including the areas outside the boundary and within its planning jurisdiction since the initial “City Plan” was adopted in 1949; and

WHEREAS, the Rapid City Planning Commission, after careful study and a public hearing in accordance with SDCL 11-6-17, recommends to this Council a comprehensive plan amendment to update both the Future Land Use Map and the Neighborhood Land Use Categories, components of Rapid City’s Comprehensive Plan titled “Plan Rapid City;” and

WHEREAS, the City Council of Rapid City, carefully considered the proposed amendments along the accompanying maps, plats, charts and descriptive and explanatory matter attached hereto, identified as 20CA001, and incorporated herein as if fully set forth; and

WHEREAS, the City Council of Rapid City South Dakota, held a public hearing in accordance with SDCL 11-6-18 on the proposed revisions to the Rapid City Comprehensive Plan for the City of Rapid City and finds that said revisions constitute a suitable, logical, and timely plan for the future development of the Rapid City area.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the attached comprehensive plan amendment identified as 20CA001, including the accompanying text, maps, charts, and diagrams is hereby approved in accordance with SDCL ch. 11-6.

Dated this 8th day of September, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)
17. PW090120-09: Acknowledge Invitation To City Council Members to Tour Solid Waste Facility

**Legal & Finance Committee Consent Items**

18. LF090220-09 – Authorize the Mayor and Finance Officer to Sign the Amendment to Original Terms and Conditions of the Connecting with our Youth Grant through Great Plains Tribal Chairman’s Health Board.

19. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Julie Adams (RSVP+), Irene Haivala (RSVP+), Nona Muckle (RSVP+), Rapid City Sustainability Committee: Karl Merbach (Parks Department), Lysann Zeller (Parks Department), Ria Harper (Parks Department), Jade Redleaf (Parks Department), Kevin Crosby (Parks Department), Akadia Crosby (Parks Department), Kelli Aarstad (Parks Department), Garth Wadsworth (Parks Department), Jordan Hannon (Parks Department); Boy Scout Troop: Gregg Holland (Parks Department), Isaac Holland (Parks Department), Ian Maharajh (Parks Department), Jinen Maharajh (Parks Department), Paitone Palmer (Parks Department), Daniel Dunnigan (Parks Department), John VanderWall (Parks Department), Edward Dunnigan (Parks Department), Dale Hemminger (RSVP+), Dianne Hemminger (RSVP+) Evelyn Weaver (RSVP+), Ivan (Mike) Weaver (RSVP+), Christine Davis (RSVP+), Rodney Garnett (RSVP+), Michele Goodwin (RSVP+).

20. LF090220-01 – Acknowledge July 2020 General Fund Cash Balance Report
21. LF090220-02 – Acknowledge June 2020 Sales Tax Report
22. LF090220-03 – Approve Request for Property Tax Abatements as Follows: Angel Gerald, 2019, $62.02; [Total for all Rapid City: $62.02]
23. LF090220-04 – Approve Resolution No. 2020-067 a Resolution Declaring Miscellaneous Personal Property Surplus to be traded

Resolution #2020-067
RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful, or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes:

**From: GOLF MAINTENANCE (664)**
For Deletion (Trade):
TORO TEE BOX MOWER (#G21)
VIN#210001326

JACOBSEN TEE BOX MOWER (#G22)
VIN#3540

TORO 5300D FAIRWAY 4WD MOWER
VIN#50850

JACOBSEN MOWER (#G23)
BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 8th day of September, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

24. LF090220-05 – Approve Resolution No. 2020-068 a Resolution Declaring Miscellaneous Personal Property Surplus to be discarded

Resolution #2020-068
RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful, or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes:

From: LIBRARY (609)  
For Deletion:  
ELMO ST200X SERIES MICROFILM/MICROFICHE READER (#11117)  
SERIAL# 300140

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 8th day of September, 2020.

CITY OF RAPID CITY
s/ Steve Allender
CIP Committee Consent Items
25. No. CIP082120-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for August 2020.
26. No. CIP082120-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
27. No. CIP082120-04 – Approve Capital Plan for Fire Vehicles
28. No. CIP082120-05 – Approve Capital Plan for Parks & Recreation
29. No. CIP082120-06 – Approve Capital Plan for Information Technology
30. No. CIP082120-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
31. No. CIP082120-02 – Approve Capital Plan for PW Infrastructure

Community Development Consent Items
32. LF090220-08 – Approve the Final FY20 Amendment to Resident Participation Plan
34. LF090220-07 – Acknowledge the Behavior Management Systems CDBG/Mental Health Update with Speaker Teri Corrigan.

Bid Award Consent Items
35. CC090820-02.1 - Approve award of total bid for Northridge Dr. Overlay Project, Project No.19-2554 / CIP No. 50549 opened on September 1, 2020 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of $270,486.25.
36. CC090820-02.2 - Approve award of total bid for Rapid City Solid Waste Lake Herman Outfall Improvements, Project No.20-2589 / CIP No. 51289 opened on September 1, 2020 to the lowest responsible bidder, Mainline Contracting, Inc. in the amount of $265,484.25.

END OF CONSENT ITEMS

Mayor read in item (PW090120-06): Authorize Mayor and Finance Officer To Sign 2021-2023 Title VI Program Plan As Required by FTA To Receive Federal Transit Grant Funds. In response to a question from Drew, Tech explained that part of the language plan identifies if there is a need in the community for language assistance. They monitor the transit riders to see if there is a need for assistance when their first language is not English. It’s important to have a plan to address the language issue, but the need is extremely low right now. Motion was made by Lehmann, second by Strommen and carried to approve.

Mayor read in item (PW090120-08): Request from Kimberly and Shane Geidel (the property owners) for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 16.16.050, along Bradsky Road which is the west frontage of their property located at 23410 Bradsky Road. In response to a question from Jones, Tech said the city handles platting within the 3-mile jurisdiction. There is a gravel road in front of this property and there is nowhere to put
a sidewalk. Motion was made by Nordstrom, second by Roberts and carried to approve the variance.

Mayor read in item (20TP025): Acknowledge the 2021-2024 Transportation Improvement Program - Final Report. In response to a question from Armstrong, Harrington said there were many ways to be involved with public comment. He said they publish notices of the meetings and agendas in the paper, there is a website, www.RapidCityAreaMPO.org that items can be reviewed and commented on, and citizens can read the draft report and come to council meetings. Motion was made by Salamun, second by Lehmann and carried to acknowledge.

Mayor read in item (20TP029): Approve the Sixth Street Corridor Study – Draft Report. Strommen asked Harrington to briefly explain what they have been looking at in the study. It is the main link between downtown and Memorial Park. Staff has been talking to Sixth Street business owners to get their input. Staff has also published an online survey to get input. Four goals are accessibility, connection, character, and identity. They will work on finalizing the report and it will go before the MPO and City Council in October. Motion was made by Salamun, second by Strommen and carried to approve.

Mayor read in item (20TP030): Approve the 2020-2023 Transportation Improvement Program Amendment #20-004. In response to a question from Drew, Tech said when any new federal and state funding is approved it needs to be added to the plan. They had received funds to use for the San Marco bridge which is scheduled to be bid and completed by 2023. Motion was made by Nordstrom, second by Strommen and carried to approve.

**Legal & Finance Committee Items**

Mayor asked if the audit report could be heard now and moved out of order. There were no objections. Mayor read in item (LF090220-10) Approve Audit Report of City of Rapid City – 2019 Financial and Compliance Report. Tracy Hansen from Ketel Thorstenson addressed the council. Tracy Davis said she was available for questions as well. Motion was made by Nordstrom, second by Armstrong to approve. In response to a question from Nordstrom, Davis said there was an issue from old software to new software. There were previous abilities that were allowed in the old but not the new. Motion carried.

**NON-CONSENT ITEMS** – Items 37 – 46

**Ordinances**

Mayor read in item (No. 20RZ033) First Reading, Ordinance 6436, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying & Consulting Engineers, Inc. for One Heart for a Rezoning request from High Density Residential District to General Commercial District for property generally described as being located at 216 and 218 Quincy Street. Motion was made by Salamun, second by Nordstrom and carried to approve Ordinance 6436 and that it be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2020.

Mayor read in item (No. 20RZ034) First Reading, Ordinance 6437, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Dennis Casey for a Rezoning request from Medium
Density Residential District to Office Commercial District for property generally described as being located at 423 South Street. Motion was made by Drew, second by Strommen and carried to approve Ordinance 6437 and that it be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2020.

Mayor read in item (No. 20RZ035) First Reading, Ordinance 6438, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from Office Commercial District to Low Density Residential District II for property generally described as being located southeast corner of Healing Way and Addison Avenue. Motion was made by Drew, second by Strommen and carried to approve Ordinance 6438 and that it be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2020.

Mayor read in item No. (LF090220-06) First Reading of Ordinance 6440 Regarding Supplemental Appropriation 6 for 2020. Roberts asked Davis if the CPI tax increase was in this budget; Davis clarified that this item was a supplemental appropriation for the 2020 budget and the next item was for the 2021 budget. Both years have CPI funds. The estimated amount of CPI funds for 2021 is $319,000.00. Motion was made by Jones, second by Nordstrom and carried to approve Ordinance 6440 and that it be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, September 21, 2020. Motion carried 8-1 with Roberts voting no.

Mayor read in item (CC082620-03) Second Reading, Ordinance 6441, regarding FY2021 Appropriation Ordinance. Motion was made by Jones, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Drew, and Evans; NO: Roberts. Whereupon the Mayor declared the motion passed and Ordinance 6441 was declared duly passed upon its second reading. Motion carried 8-1 with Roberts voting no.

**Community Development Items**

Mayor read in item (No. 20PL057) A request by Fisk Land Surveying & Consulting Engineers, Inc for Mount Rushmore Properties for a Preliminary Subdivision Plan for proposed Lot B of Dupont Addition, generally described as being located at 1211 Mount Rushmore Road. Motion was made by Nordstrom, second by Roberts to approve with the following stipulation: A Final Plat shall be submitted for review and approval.

Mayor read in item (No. 20PL059) A request by Renner Associates, LLC for Kimberly and Shane Geidel for a Preliminary Subdivision Plan for proposed Lots A and B of Jundt Subdivision, generally described as being located at 23410 Bradsky Road. Motion was made by Lehmann, second by Drew to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, a Variance shall be obtained from City Council to waive the requirement to install sidewalk along Bradsky Road or construction plans shall be submitted for the sidewalk with the Development Engineering Plan application; 2. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained from the City Council allowing 104 dwelling units with one point of access in lieu of a maximum of 40 dwelling units pursuant to Section 2.6 of the Infrastructure Design Criteria Manual or a second
point of access shall be provided; 3. Prior to submittal of a Final Plat application, a lot size variance shall be obtained from Pennington County to reduce the required minimum lot size in the General Agriculture District from 40 acres to 11.795 acres and 27.516 acres, respectively, or the property shall be rezoned to support the proposed lot size(s) o nr the Pennington County Zoning Ordinance shall be amended to allow a minimum 10-acre lot size in the General Agriculture District; 4. Prior to submittal of a Final Plat application, the plat document shall be revised to show the effective date of FIRM Map No. 46103C1250H; 5. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been accepted shall be posted and the subdivision inspection fees shall be paid; and, 6. 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 read in item (CC090820-04.1) Acknowledge report by Mayor’s Committee on Disabilities. Pat Jones stated the committee updated their website and included a new mission and vision statement. They had two openings and now have two new members. They have also received direction on how to report handicap violations. Motion was made to acknowledge by Nordstrom, second by Salamun and carried.

Mayor read in item (CC090820-04.2) Acknowledge report by Humane Society of the Black Hills. They ran a promotion to adopt cats. They are always in need of donations. They held their Wags to Whiskers event. They have updated their social media policy. They are not taking animals into school or other areas for presentations due to the pandemic. They need two new board members. They are updating their bylaws. Motion was made by Nordstrom, second by Drew to acknowledge. In response to a question from Strommen, Jones said the Humane Society is not in favor or urban chickens. They are concerned about enforcement and the extra work it would cost. Drew said it is the urban chicken groups goal to regulate them and not get the humane society involved for enforcement. She said code enforcement gets minimal calls regarding chickens. Evans asked if the disability committee has been contacted regarding the rock issue on the sidewalks. Jones said no. Motion carried.

**PUBLIC HEARING ITEMS – (NONE)**

**CONSENT PUBLIC HEARING ITEMS – (NONE)**

**END OF CONSENT PUBLIC HEARING CALENDAR**

**NON-CONSENT PUBLIC HEARING ITEMS – (NONE)**

**EXECUTIVE SESSION**

At 7:23 p.m., motion was made by Roberts, second by Armstrong and carried to go into executive session pursuant to SDCL 1-25-2(3) to consult with legal counsel about proposed litigation.

**STAFF DIRECTION**

At 7:42 p.m., motion was made by Armstrong, second by Lehmann and carried to come out of executive session. Motion was made by Jones, second by Evans and carried to authorize City
Attorney’s office to take any and all legal action to pursue resolving the Ridgestone Mobile Home Park issue.

**BILLS**
The following bills have been audited:

**BILL LIST - SEPTMBER 8, 2020**

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Davis presented the bill list of $11,615,594.24. Motion was made by Salamun, second by Lehmann to approve. Authorize (No. CC090820-01) to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Those voting aye: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Roberts, and Drew. No: none. Motion carried 9-0.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Lehmann and carried to adjourn the meeting at 7:45 p.m.

Dated this 8th day of September, 2020.

CITY OF RAPID CITY

ATTEST:

________________________________
Mayor

________________________________
Finance Officer

(SEAL)