

PROCEEDINGS OF THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., Monday, November 16, 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 Monday, November 16, 2020 at 6:30 P.M.

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

Staff members present included: Finance Director, Pauline Sumption, City Attorney Joel Landeen, Police Chief Don Hedrick, Fire Chief Jason Culberson, Public Works Director Dale Tech, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker and Administrative.

SWEAR IN NEWLY ELECTED COUNCIL MEMBER

Finance Director, Pauline Sumption administered the Oath of Office to Ward One Council Member Ron Weifenbach. He joined the council members at the dais.

ADOPTION OF AGENDA

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

PRESENTATION

Dan Senftner and Mani Davilla gave the Downtown Ambassadors Program Presentation. Davilla stated he and his staff walk the streets and are available to help visitors with any questions they have. Visitors are looking for a grocery store and pharmacy downtown. Senftner said it would be nice to have more on staff and they are looking for a way to make that happen.

GENERAL PUBLIC COMMENT

Billie Brown stated that the Native Americans weren't asked to be part of the negotiations of the land swap. She is in favor of getting the land back with no swap.

Ms. Goss addressed the council and said she wished there was a way of doing public comment on YouTube. She appreciates all that the council and mayor do for Rapid City.

Tim Hughes asked about Amendment A and Measure 26 which was voted on by the South Dakota residents on November 3, 2020, and passed. Allender said there are no rules drawn up yet. He indicated this is being taken care of by the Legislature and once they have something in place, the city will work on it as well.

NON-PUBLIC HEARING ITEMS -- Items 3 – 37

CONSENT ITEMS – Items 3 – 28

The following items were removed from the Consent Items:

20. WS111020-10: Authorize Staff to Advertise for Bids for Downtown Lighting Project. Project 20-2613/CIP 51228, for an estimated \$2,000,500.

26. CC111620-02.1 – Approve award of total bid for Miscellaneous Improvements Projects, Facility Type Projects Boiler Pre-purchase Project No. 20-2607 / CIP No. 51132.3 opened on November 10, 2020 to the lowest responsible bidder, G & R Controls, Inc. in the amount of \$277,600.00.
27. CC111620-02.2 - Approve award of total bid for two (2) Paratransit Vehicles, opened November 10, 2020, to the lowest responsible bidder, Creative Bus Sales in the amount of \$188,128.
28. CC111620-02.3 - Concur with the SDDOT Transportation Commission bid award at its regularly scheduled meeting on November 24, 2020, and authorize Mayor and Finance Director to sign contract for LaCrosse Street Utility Replacement, Project No. 16-2318 / CIP No. 51108 opened on November 4, 2020 to the lowest responsible bidder, Complete Concrete Inc. dba Complete Contracting Sol in the amount of \$707,279.23.

Motion was made by Armstrong, second by Lehmann and carried to approve items 3-28, with the exception of items 20, 26, 27 and 28.

Approve Minutes

3. Approve Minutes for the November 2, 2020 Regular Council meeting.
- 3A. Approve Minutes for the November 10, 2020 Special Council meeting.

Vacations of Right-Of-Way Set for Hearing (December 21, 2020)

4. No. 20VR004 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Rapid City Club for Boys for a Vacation of Right-of-Way for property generally described as being located at 320 North 4th Street.

Alcoholic Beverage License Applications and Renewals Set for Hearing (December 7, 2020)

5. Bar K-9 LLC for a SPECIAL EVENT On-Sale Malt Beverage License for an event scheduled for December 18-19, at the Rushmore Mall, 2200 N. Maple Ave Suite 2002
- 5A. Iron PHNX LLC DBA Iron Phnx, 3468 Sturgis Road, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider License

2021 Retail (on-off sale) Malt Beverage & SD Farm Wine Renewals

6. Moyle Petroleum Company DBA Common Cents Rushmore Rd, 2660 Mt Rushmore Rd, for a Retail (on-off sale) Wine and Cider license renewal
7. Black Sheep Group, LLC DBA Harriet Café, 329 Main Street, for a Retail (on-off sale) Wine and Cider license renewal

Working Session Consent Items

8. WS111020-01: Authorize the Mayor and Finance Director to sign the City of Rapid City and Black Hills Council of Local Governments Performance Contract for FY2021
9. WS111020-02: Approve Final Substantial Amendment to the FY20 Community Development Block Grant Annual Action Plan
10. WS111020-03: Approve Preliminary Substantial Amendment to FY18 and FY19 Activity for Abbott House
11. WS111020-04: Resolution No. 2020-086 – Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2020-086
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 Director, 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 16th day of November, 2020

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director

	OWNER NAME	ID#	CLEAN UP ADDRESS	MAILING ADDRESS	LEGAL DESCRIPTION	TOTAL AMOUNT DUE INCLUDES \$100.00
1	SCHRENK, AMY/ VOCUS, EDWARD JR	59302	104 SAVOY CIRCLE	104 Savoy Circle, Rapid City, SD 57701	Lot 12, Block 5, Eastridge Estates Sub	\$ 217.00
2	HUNTER, SHIRLEY B	43388	408 E MINNESOTA ST	PO Box 1442, Parker AZ 85344	Lot A of Lot 34, Block 7, Robbinsdale #10	\$ 192.00
3	DAMATTA, CESAR E	24029	812 RENA PL	203 W Green Street, Robersonville, NC 27871	Lot 9, Block 2, Gus Haines Subd	\$ 227.00
4	HAM INVESTMENTS	66724	902 MOUNT RUSHMORE RD	6363 S Netherland Way, Centennial CO 80016	Lot 10-16, Block 123, Original Town of Rapid City	\$ 197.00

12. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Linda Grenz (RSVP+), Kathleen (Kay) Ingalls (RSVP+), Maryann Stroschein (RSVP+), Rena Boersma (RSVP+), Ria Harper (Solid Waste)
13. WS111020-16: Authorize Mayor and Finance Director to Sign Agreement with Convergent Technologies in the amount of \$71,696.96 for security enhancements at City Hall.
14. WS111020-17: Authorize Mayor & Finance Director to Sign Amended Renewal Ready Subscriber Agreement with Black Hills Power, Inc., dba Black Hills Energy
15. WS111020-05: Approve change order 1 to Heavy Constructors, Inc. for West Omaha Street Utilities, Project #2099/CIP NO.50904 for an increase in the amount of \$43,113.65
16. WS111020-06: Approve Change Order #1 for Fitzgerald Stadium Renovations Project No. 19-2508 CIP #51231 with MAC Construction for an increase of \$124,557.87.

17. WS111020-07: Authorize Mayor and Finance Director to Sign 2nd Bridge Improvement Grant (BIG) Agreement with South Dakota Department of Transportation for Cambell Street Box Culvert Outlet Repair. Project No. 15-2313 / CIP No. 51035.
18. WS111020-08: Authorize Staff to Seek Proposals for Engineering Services for Southeast Area Trunk Sewer Reconstruction – Elm Ave to Prairie Ave Project No. 20-2571 / CIP No. 50829.
19. WS111020-09: Authorize Staff to Advertise Bids for Abandon Omaha Trunk Sewer – 1st Street to Maple Avenue Project, Project No. 20-2610 / CIP No. 51307. Estimated Cost \$80,000.
21. WS111020-11: Authorize Purchase of Trimble R12i Model 60 ROW from Frontier Precision, in the amount of \$27,085.50 from State Contract
22. WS111020-12: Authorize Request to purchase Three GPS Survey Equipment Setups off the State Contract from Frontier precision in the amount of \$26,075.25.
23. WS111020-13: Authorize Staff to submit transit grant application to FTA, and accept and administer if awarded, for 5307 Formula funds for operating assistance in the amount of \$1,285,218.00
24. WS111020-14: A request from Dakota Castles, Inc. for a variance to waive the requirement to install sidewalk along Feather Ridge Court and Hwy 44, Rapid City, per City Ordinance 12.08.060.
25. WS111020-15: Authorize Mayor and Finance Director to sign and accept the additional Project Safe Neighborhood grant funding.

END OF CONSENT ITEMS

Mayor Allender read in item (WS111020-10) Authorize Staff to Advertise for Bids for Downtown Lighting Project. Project 20-2613/CIP 51228, for an estimated \$2,000,500. Evans voiced his concerns about the lighting being obsolete before they are even installed. He would like to see the lights have a “smart” infrastructure. He was assured the lighting fixtures will be the most current and if there are funds available then additional special features could be considered. In response to a question from Drew, Senftner said the vision fund is funding this project. Motion was made by Salamun, second by Armstrong and carried to approve.

Mayor Allender read in item (CC111620-02.1) Approve award of total bid for Miscellaneous Improvements Projects, Facility Type Projects Boiler Pre-purchase Project No. 20-2607 / CIP No. 51132.3 opened on November 10, 2020 to the lowest responsible bidder, G & R Controls, Inc. in the amount of \$277,600.00. Jones went over the bid process with Tech and Tracy Davis and was satisfied in the city’s process. Motion was made by Lehmann, second by Salamun and carried to approve.

Mayor Allender read in item (CC111620-02.2) Approve award of total bid for two (2) Paratransit Vehicles, opened November 10, 2020, to the lowest responsible bidder, Creative Bus Sales in the amount of \$188,128. Motion was made by Jones, second by Salamun and carried to approve.

Mayor Allender read in item (CC111620-02.3) Concur with the SDDOT Transportation Commission bid award at its regularly scheduled meeting on November 24, 2020, and authorize Mayor and Finance Director to sign contract for LaCrosse Street Utility Replacement, Project No. 16-2318 / CIP No. 51108 opened on November 4, 2020 to the lowest responsible bidder, Complete Concrete Inc. dba Complete Contracting Sol in the amount of \$707,279.23. Drew stated at the municipal conference that cities are encouraged to look into the bid process because sometimes money gets lost here. Drew is happy with our employees and the process. Motion was made by Jones, second by Lehmann and carried to approve.

NON-CONSENT ITEMS – Items 29 - 37

Troy Fairbanks spoke in favor of the mask mandate. He appreciates what the council and mayor are doing. He would like to be part of the committee if one is formed. He believes the council is fight for the Native American people.

Ordinances

Mayor Allender read in item (PW102720-11) Approve Second Reading of Ordinance No. 6447 An Ordinance to Amend Section 8.08.070 of the Rapid City Municipal Code to Clarify Inclusion of Solid Waste Charges in the Utility Rate Relief Program. Having passed its first reading on November 2 motion was made by Drew, second by Nordstrom that the title be read the second time. Upon vote being taken the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Drew, Roberts and Weifenbach NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6447 was declared duly passed upon its second reading.

Mayor Allender read in item (PW102720-12) Approve Second Reading of Ordinance No. 6442 An Ordinance to Revise and Clarify Certain General Provisions in Title 13 Public Utilities and Services by Amending Chapter 13.04 of the Rapid City Municipal Code. Having passed its first reading on November 2 motion was made by Drew, second by Nordstrom that the title be read the second time. Upon vote being taken the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Drew. Roberts and Weifenbach NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6442 was declared duly passed upon its second reading.

Mayor Allender read in item (PW102720-13) Approve Second Reading of Ordinance No. 6443 An Ordinance to Revise and Clarify Certain Provisions Concerning the City's Water Service System by Amending Chapter 13.08 of the Rapid City Municipal Code. Having passed its first reading on November 2 motion was made by Armstrong, second by Jones that the title be read the second time. Upon vote being taken the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Drew. Roberts and Weifenbach NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6443 was declared duly passed upon its second reading.

Mayor Allender read in item (PW102720-14) Approve Second Reading of Ordinance No. 6444 An Ordinance to Revise and Clarify Certain Provisions Concerning the Sewer Service System by Amending Chapter 13.16 of the Rapid City Municipal Code. Having passed its first reading on November 2, motion was made by Armstrong, second by Jones that the title be read the second time. Upon vote being taken the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Drew. Roberts and Weifenbach NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6444 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 20RZ036) Approve First Reading, Ordinance 6449, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc. for James and Jami Carpenter for a Rezoning request from Neighborhood Commercial District to Medium Density Residential District for property generally described as being located southeast of the intersection of Country Road and Haines Avenue. Motion was made by Roberts, second by Salamun and carried to approve Ordinance 6449 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 7, 2020.

Mayor Allender read in item (LF093020-04) Approve First Reading of Ordinance No. 6445 an Ordinance Authorizing the Keeping of Hens on Certain Residential Properties in the City by Amending Section 6.08.020 of the Rapid City Municipal Code. Drew said the council didn't trust the people who showed up to the meetings or the research done by Ken Young and Joel Landeen. Drew worked on answers to dispel the myths and she felt unheard. She stated the younger people wanted this passed. She said she would be on board if anyone wants to bring this back in the future. Motion was made by Nordstrom, second by Lehmann and carried to table Ordinance 6445. Motion passed 10-0.

Community Development Items

Mayor Allender read in item (No. 20PL077) A request by Fisk Land Surveying & Consulting Engineers, Inc for Michael and Marnie Gould, Stuart Rice, Ross and Angela McKie for a Preliminary Subdivision Plan for proposed Lots A through D of Skyline Ranch Subdivision No. 2, generally described as being

located at 1850, 2300 and 2221 Skyline Ranch Road. This item has been continued to the December 7, 2020 City Council meeting per the applicant's request. Motion was made by Armstrong, second by Strommen and carried to continue to the December 7, 2020 City Council meeting per the applicant's request.

Alcoholic Beverage License Applications Renewals for 2021

36. Approve the following 100 Alcohol License Renewals for (CL) Convention Center (on-sale) Liquor; (PL) Package (off-sale) Liquor; (RL) Retail (on-sale) Liquor, (RR) Retail (on-sale) Liquor – Restaurant, and (RW) Retail (on-off sale) Wine and Cider. Armstrong, Lehmann 10-0

	License #	Owner/Master Name	DBA	Address
1	CL-15400	RETSEL INC	GRAND GATEWAY HOTEL/ CHEERS	1721 N LACROSSE ST
2	PL-19003	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1190	3887 E HIGHWAY 44
3	PL-19233	WALMART INC	WALMART SUPERCENTER #1604	1200 N LACROSSE ST
4	PL-19389	WALGREEN CO	WALGREENS #09512-LACROSSE ST-RAPID	1125 N LACROSSE ST
5	PL-20030-INACTIVE	SAFEWAY STORE 46 INC	SAFEWAY-R CITY #3166	730 MOUNTAIN VIEW DR
6	PL-20040	WALMART INC	WALMART #3872	100 STUMER RD
7	PL-20569	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1188	2215 HAINES AVE
8	PL-4544	SMITH'S LIQUOR GALLERY INC	SMITH'S LIQUOR GALLERY	2218 JACKSON BLVD SUITE 1
9	PL-4574	MINI MART INC	LOAF 'N JUG #447	1601 NO. HAINES
10	PL-4576	SAMS WEST INC	SAM'S CLUB #6565	925 EGLIN ST
11	PL-4600	MINI MART INC	LOAF 'N JUG #446	2700 HIGHWAY 44 EAST - RC
12	PL-4607	MINI MART INC	LOAF 'N JUG #443	3106 W MAIN
13	PL-4610	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1189	3275 CABELL ST
14	PL-4646	THRIFTY SMOKE SHOP INC - KURT SCHIMMER	THRIFTY SMOKE SHOP	718 E ST PATRICK ST
15	PL-4656	THRIFTY SMOKE SHOP INC - KURT SCHIMMER	THRIFTY SMOKE SHOP III	1101 W OMAHA #3
16	PL-4704	NASH-FINCH COMPANY	FAMILY FARE #265	751 MOUNTAIN VIEW RD
17	PL-4763-INACTIVE	DTJ LLC	DTJ LLC	3435 WEST MAIN STREET
18	PL-4764	MOYLE PETROLEUM COMPANY	COMMON CENTS #125	1821 N ELK VALE ROAD
19	PL-4765	NASH-FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
20	PL-4771	MOYLE PETROLEUM COMPANY	NORTH STREET SMOKE SHOP	634 E NORTH ST
21	PL-4772	RETSEL INC	GRAND GATEWAY HOTEL/ CHEERS	1721 N LACROSSE ST

22	PL-4773	MINI MART INC	LOAF 'N JUG #444	1627 RUSHMORE RD
23	PL-4776	LA CROIX INVESTMENTS INC	BUS'S BOTTLE SHOP	615 E NORTH ST
24	PL-4781-INACTIVE	NASH-FINCH COMPANY	FAMILY FARE #265	751 MOUNTAIN VIEW RD
25	PL-4782-INACTIVE	NASH-FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
26	PL-4787	SAFEWAY STORES 46 INC	SAFEWAY STORE #1554	730 MT VIEW ROAD
27	PL-4830	BLACK HAWK OIL, INC.	MR LIQUOR	3609 STURGIS RD
28	PL-5004-INACTIVE	NASH-FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
29	PL-5025	SAFEWAY STORES 46 INC	SAFEWAY STORE #581	2120 MT RUSHMORE RD
30	PL-5073	FAT BOYS INC	FIREHOUSE BREWING CO	610 MAIN ST
31	PL-5089	BW GAS & CONVENIENCE RETAIL, LLC	BW GAS & CONVENIENCE RETAIL, LLC, YESWAY #1186	3343 HAINES AVE
32	RL-15424	RUSHMORE PLAZA CIVIC CENTER BOARD	RUSHMORE PLAZA CIVIC CENTER	444 MT RUSHMORE RD N
33	RL-5325	SLAINTE LLC	MURPHYS IRISH PUB	510 9TH ST
34	RL-5327	WESTERN DAKOTA GAMING INC	VALLEY SPORTS BAR	1865 S VALLEY DRIVE
35	RL-5720-INACTIVE	WOBBLY BOBBY BRITISH PUB LLC	WOBBLY BOBBY BRITISH PUB LLC	510 MAIN ST
36	RL-5734	SODACO INC	COMFORT SUITES HOTEL & CONVENTION CENTER	1333 N ELK VALE RD
37	RL-5856	POKER JOES INC	POKER JOE'S	211 N CAMELL ST
38	RL-5859	THE RETIRED ENLISTED ASSOC INC	CHAPTER #29	1981 E CENTRE ST
39	RL-5862	WR RAPID CITY VENTURES LP	MINERVA'S BAR & RESTAURANT	2111 N LACROSSE ST
40	RL-5867	SICKIES ND INC	SICKIES GARAGE	3313 E MALL DR
41	RL-5868	GMB RUSHMORE LLC	MACKENZIE RIVER PIZZA GRILL PUB	1205 EGLIN ST
42	RL-5871	RAPID HOSPITALITY LLC	HILTON GARDEN INN RAPID CITY	815 E MALL DR
43	RL-5882	SHIBA INVESTMENTS INC	THE RUSHMORE HOTEL	445 MT RUSHMORE RD
44	RL-5884	PRESS START	PRESS START	504 MOUNT RUSHMORE RD
45	RL-5888	RAPID CITY ELKS GOLF & EVENT CENTER	RAPID CITY ELKS GOLF & EVENT CENTER	3333 JOLLY LN
46	RL-5889	CITY OF RAPID CITY	AIRPORT RESTAURANT & LOUNGE	4550 TERMINAL RD #206
47	RL-5894	VFW	RUSHMORE POST 1273	420 MAIN ST
48	RL-5920	GMRI INC	THE OLIVE GARDEN #1664	160 DISK DR
49	RL-6122	MOYLE PETROLEUM	INFERNO FOOD BY	3503 E HWY 44

		COMPANY	FIRE - HWY 44	
50	RL-6145	WOBBLY BOBBY BRITISH PUB LLC	WOBBLY BOBBY BRITISH PUB LLC	510 MAIN ST
51	RL-6151	FRATERNAL ORDER OF EAGLES	RAPID CITY AERIE NO 3555	1410 CENTRE ST
52	RL-6208	APPLE RAP, LLC	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2160 HAINES AVE
53	RL-6259	FAT BOY'S INC	FIREHOUSE BREWING CO	610 MAIN ST
54	RL-6260	LA CROIX INVESTMENTS INC	TIME OUT LOUNGE	615 E NORTH ST
55	RL-6261	SODAK MEX I INC	ON THE BORDER	1331 E NORTH ST
56	RL-6326	PV RAPID LLC	PUERTO VALLARTA MEXICAN RESTAURANT	2205 N LACROSSE ST
57	RR-19690	RARE HOSPITALITY INTERNATIONAL INC	LONGHORN STEAKHOUSE- RAPID CITY #5406	1510 EGLIN ST
58	RR-19799	OC RAPID CITY LLC	OLD CHICAGO RESTAURANT	1718 EGLIN ST
59	RW-19170	WALGREEN CO	WALGREENS #10656- MT RUSHMORE RD	1902 MOUNT RUSHMORE RD
60	RW-19172	WALGREEN CO	WALGREENS 05643- MTN VIEW-RAPID CITY	540 MOUNTAIN VIEW RD
61	RW-19399	INDEPENDENT ALE HOUSE LLC	INDEPENDENT ALE HOUSE	625 SAINT JOSEPH ST
62	RW-19949	RAPID CITY/BH LODGING LLC	CAMBRIA SUITES	3333 OUTFITTERS RD
63	RW-20215	EVEREST CUISINE LLC	EVEREST CUISINE	2328 W. MAIN ST
64	RW-20256	LORI EGGERSGLUESS	MYSTIQUE EDGE DAY SPA & SALON	318 MOUNT RUSHMORE RD STE E
65	RW-21037	JORGE MATA LLC	EL SOMBRERO	1012 E NORTH ST STE A
66	RW-21467	BLACK HILLS WORKS FOUNDATION INC	SUZIE CAPPA ART CENTER	722 SAINT JOSEPH ST
67	RW-21589	CONTINENTAL LEISURE INC	CAROUSEL CASINO	2050 W MAIN ST # 2A
68	RW-22859	DADAH KIDS CORP	PAULYS-SAINT PATRICK ST	1624 E ST PATRICK ST STE 101
69	RW-22933	MOYLE PETROLEUM COMPANY	ORCHARD MEADOWS COMMON CENTS	3501 E HWY 44
70	RW-23107	MOYLE PETROLEUM COMPANY	LACROSSE COMMON CENTS	1909 LA CROSSE ST
71	RW-23109	MOYLE PETROLEUM COMPANY	OMAHA ST COMMON CENTS	1129 W OMAHA ST
72	RW-23110	MOYLE PETROLEUM COMPANY	COMMON CENTS #107	4128 JACKSON BLVD
73	RW-23752	K & P LLC	HAY CAMP BREWING COMPANY	601 KANSAS CITY ST STE 1
74	RW-24299	MAVERIK INC	MAVERIK INC #571	525 E NORTH ST
75	RW-24532	MAVERIK INC	MAVERIK INC #552	1624 HAINES AVENUE

76	RW-25013	RAPID CITY EXTENDED STAY, INC.	STAYBRIDGE SUITES	1314 LUNA AVE
77	RW-25063	ANA LINE ENTERPRISES LLC	SABOR A MEXICO	208 E NORTH ST
78	RW-26207	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1187	4030 CHEYENNE BLVD
79	RW-26360	FAMILY DOLLAR STORES OF SD LLC	FAMILY DOLLAR STORES OF SD #7251	907 E NORTH ST
80	RW-26362	FAMILY DOLLAR STORES OF SD LLC	FAMILY DOLLAR STORES OF SD #7118	1025 E SAINT PATRICK ST
81	RW-26506	AXE IT OUT LLC	AXE IT OUT	811 DISK DR STE 6
82	RW-26592	FAMILY DOLLAR STORES OF SD LLC	FAMILY DOLLAR STORES OF SOUTH DAKOTA LLC #28320	1445 HAINES AVE
83	RW-26631	MOYLE PETROLEUM COMPANY	SHERIDAN LAKE COMMON CENTS	2808 SHERIDAN LAKE RD
84	RW-26692	GOLDEN TICKET CINEMAS INC	GOLDEN TICKET CINEMAS	350 EAST DISK DRIVE
85	RW-26792	5 TANKS CORP	POUR 54 TAPHOUSE	615 MAIN ST
86	RW-26875	ADELAIDE INC	JUNIPER	405 CANAL STREET SUITE 1300
87	RW-26899	MAIN STREET MARKET INC	MAIN STREET MARKET INC	333 OMAHA ST SUITE #2
88	RW-26971	L & B WINE LLC	D'VINE WINE BAR	517 7TH ST
89	RW-27151	FLEET FARM GROUP LLC	FLEET FARM	1001 EAST MALL DR
90	RW-27153	FLEET FARM GROUP LLC	FLEET FARM FUEL	1115 EAST MALL DR
91	RW-27207	BELLAVITA LLC	SABATINOS ITALIAN RISTORANTE	617 MAIN ST
92	RW-6420	THAI THAI LLC	THAI THAI RESTAURANT	221 E NORTH ST
93	RW-6458	S & Y INC	GOLDEN PHOENIX RESTAURANT	2421 W MAIN ST
94	RW-6572	PIESANO'S PACCHIA INC	PIESANO'S PACCHIA	3618 CANYON LAKE DR #121
95	RW-6591	CHRISBRO LLC	HAMPTON INN	1720 RAPP ST
96	RW-6596	MUSEUM ALLIANCE OF RAPID CITY INC	THE JOURNEY MUSEUM	222 NEW YORK ST
97	RW-6597	DIAMOND HOSPITALITY LLC	HOWARD JOHNSON INN & SUITES	950 NORTH ST
98	RW-6726	WNRRC LLC	BUFFALO WINGS AND RINGS	5622 SHERIDAN LAKE ROAD #101
99	RW-7503	BLACK HILLS COFFEE COMPANY	STONEWALLS ESPRESSO CAFE & PIZZA	5955 S HIGHWAY 16 STE G
100	RW-7591	SOMEONES IN THE KITCHEN INC	SOMEONES IN THE KITCHEN	2210 HAINES AVE

Mayor's Items

Mayor Allender read in item (LF102820-09) Approve Resolution No. 2020-084 A Resolution to Resolve Three Outstanding Deeds Related to the Rapid City Indian Boarding School Lands. There was a revised agreement sent out before the council meeting. Motion was made by Nordstrom, second by Drew to approve the amended resolution 2020-084. Nordstrom said there is a tentative agreement between himself and Ms. Thompson. In response to a question from Drew, Tatewin Means, verified that their group is willing to work with the city. There was not much favor in leaving the dollar amount in the resolution. The resolution gives a deadline date of June 30, 2021 to come to an agreement. There will be future talk regarding the possible use of the vision funds in the final agreement. There is nothing in the resolution that is binding. It is a way to get started on the proposed plan. The council would like a working group put together and get a plan drafted. Motion carried 9 to 1 with Jones voting no.

RESOLUTION NO. 2020-084
RESOLUTION TO RESOLVE THREE OUTSTANDING DEEDS RELATED TO
THE RAPID CITY INDIAN BOARDING SCHOOL LANDS

WHEREAS, the federal government created and ran a series of boarding schools throughout the United States in an attempt to assimilate Native American children from the mid1800s to the1960s – including the Rapid City Indian Boarding School (“the Boarding School”) from the 1890s-1930s, and

WHEREAS, in the late 1890s the United States federal government purchased 1200+ acres extending from what is now Mt. View Road to Canyon Lake Park on the west side of Rapid City to create the Rapid City Indian Boarding School (“the Boarding School”); and

WHEREAS, the U.S. government took children from as far away as North Dakota, Montana, and Wyoming to the school, but most of the children were Lakotas brought from the Pine Ridge Reservation, the Rosebud Reservation, and the Cheyenne River Reservation, which are home to the three tribal Nations closest to Rapid City; and

WHEREAS, many Native American families came to Rapid City to be near their children and many of the Native people still living in Rapid City today are descendants of these children and their families; and

WHEREAS, when the federal government cut back some of the boarding schools during the Great Depression, the school was transitioned into a tuberculosis hospital for Native American patients (1930s-1960s) and then in the 1960s to a permanent Indian Health Services clinic, and

WHEREAS, in the late 1940s the City of Rapid City, the Rapid City School District, the Chamber of Commerce, the National Guard, and local churches lobbied Congress to gain access to the 1200+ acres of land belonging to the Rapid City Indian Boarding School, and

WHEREAS, Congress passed a law in 1948 (“the Act” or “Act of 1948”) allowing the Department of Interior - Bureau of Indian Affairs (“DOI-BIA”), to dispose of the 1200+ acres in three ways:

- (1) Governmental Entities: to gift the land for free to the governmental entities of the City of Rapid City, the Rapid City Area School District, or the South Dakota National Guard, subject to a “reversion clause” declaring that any land deeded under the 1948 Act would be returned to the DOI-BIA when no longer used for municipal, educational, or National Guard-related purposes; and
- (2) Religious Organizations: to sell the land to churches for “religious purposes,” at “reasonable value;” and

(3) Needy Indians: to use or exchange the lands for the benefit of “needy Indians”—a term of art used at the time to refer to disadvantaged Native Americans; and

WHEREAS, the following is a summary of the land parcels which were gifted under the governmental entities’ category:

- City of Rapid City: received two parcel allocations, one parcel (approximately 207 acres) which became known primarily as “Sioux Park,” and another parcel (approximately 40 acres) which became known as “West Middle School;” and
- Rapid City Area School District: received three parcels, one which became Canyon Lake Elementary School, one which became Stevens High School, and another for a school maintenance facility, and
- National Guard: received approximately 600 acres for its current training facility, and

WHEREAS, under the Religious Organization provision, approximately 9 churches purchased approximately 200 acres contained in 13 different lots, 6 lots of which the churches resold, and

WHEREAS, no parcels or acreages were designated for the use or exchange of land for “needy Indians,” despite repeated requests by the Native community over the course of several decades, including repeated inquiries into why none of the lands had ever been allocated to them; and

WHEREAS, this resolution addresses three specific parcels that were originally gifted to either the City or the School District under the government entity provision, that currently have non-municipal or non-educational occupants:

Parcel A1

Recipient: City of Rapid City (July 15, 1949)
 Restriction: “The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for municipal purposes.”
 Current Occupant: Monument Health–Behavioral Health Center, a private nonprofit organization

Parcel A2

Recipient: City of Rapid City (July 15, 1949)
 Restriction: “The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for municipal purposes.”
 Current Occupant: Clarkson Health Care–Westhills Village, a private religious nonprofit organization

Parcel B

Recipient: Rapid City Area School District (July 9, 1964)
 Restriction: “The title to the land thus conveyed shall revert to the United States of America when the land is no longer used for educational purposes.”
 Current Occupant: Canyon Lake Activity Center (“Canyon Lake Senior Center”), a private nonprofit organization (March 21, 2005, the RCAS transferred this property by Quit Claim Deed)

WHEREAS, parcels A1, A2, and B, upon which the above mentioned nonprofit organizations are located, were originally gifted to the City of Rapid City and the Rapid City Area School District, and are

subject to the reversion clause when they are no longer being used for “municipal” or “educational” purposes respectively, under the 1948 Act; and

WHEREAS, there are no records indicating any payments or rentals by the current occupants of Parcels A1, A2, and B; and

WHEREAS, the DOI-BIA retains the reversion rights to the parcels gifted to the City of Rapid City and the Rapid City Area School District; and

WHEREAS, the concept of “adverse possession” is inapplicable regarding federal land rights; and

WHEREAS, the DOI-BIA sent a letter to the Rapid City Area School District and the City of Rapid City, dated July 13, 2017, stating that these three parcels are now “subject to reversion to Department of Interior – Bureau of Indian Affairs (DOI-BIA) because they are no longer being utilized for the deeded purposes;” and

WHEREAS, Native community members have indicated strong interest in these three parcels reverting to the DOI-BIA thus triggering their eligibility for use under the “needy Indians” provision, and providing the opportunity to transform the three existing buildings into a Native American Community Center (Canyon Lake Senior/Activitimes Center), a Native Assisted Living Facility (Clarkson Health Care–Westhills Village), and a Tribal Health Treatment Facility (Monument Health Behavioral Health Center); and

WHEREAS, the current occupants of A1, A2, and B, Monument Health Behavioral Health Center, Clarkson Health Care–Westhills Village, and the Canyon Lake Senior/Activities Center, have indicated that they do not wish that the land upon which they are located revert to the federal government, since that transaction would cause them great expense and inconvenience; and

WHEREAS, the Rapid City Area School District received Parcel B under the 1948 Act, and the Rapid City Area School District transferred the land to the Canyon Lake Senior/Activities Center, on March 21, 2005, and the Rapid City Area School District has not engaged to assist the Canyon Lake Senior/Activities Center to help resolve the issues related to the land upon which the Canyon Lake Senior/Activities Center is located, leaving the Canyon Lake Senior/Activities Center to turn to the City of Rapid City for assistance concomitant to the resolution related to Parcels A1 and A2; and

WHEREAS, in its letter to the School District and the City, dated July 13, 2017, the DOI-BIA also encouraged the local Native community, the City of Rapid City, and the Rapid City Area School District to find a “creative solution that helps rectify these deed violations and this historical imbalance;” and

WHEREAS, rather than completing the execution of the reversion clause of the 1948 Act, all parties prefer a creative solution rooted in a land exchange that could allow the current occupants of Parcels A1, A2, and B to remain on that land while rectifying the inequities related to the lack of “needy Indian” receipt of land under the 1948 Act and to honor 70 years of Native community requests for use of the lands; and

WHEREAS, the Office of the Mayor of Rapid City contracted for a formal appraisal of Parcels A1, A2, and B which found the land values combined with the replacement value of the buildings to the current occupants to rebuild elsewhere to be approximately twenty million dollars; and

WHEREAS, under the Act of 1948, the only other alternative to reversion appears to be the “needy Indian” provision, which allows the DOI-BIA to “exchange” any of the Rapid City Indian Boarding School lands for “other lands in or near Rapid City” for the use of “needy Indians;” and

WHEREAS, the Native American community in Rapid City submitted numerous requests for the 1200+ acres, including for museums, powwow grounds, and housing - with the most reoccurring request being a gathering place, an Indian community center; and

WHEREAS, these historical requests for a gathering place were reaffirmed when the members of the Rapid City Indian Boarding School Lands Project, a group of volunteer researchers and advocates, conducted a series of in-person listening sessions and surveys (including remote online voting) among the Native community between 2017 and 2019, during which 76% of respondents overwhelmingly chose a Native American Community Center as their first or second choice; and

WHEREAS, many members of the Native community have indicated that they want to ensure that any Native American Community Center has a reliable source of income for operating expenses and is not wholly dependent on grants or government subsidy; and

WHEREAS, during the surveys held between 2017 and 2019, respondents chose to create a Community Development Corporation that would generate revenue to support the Native American Community Center through three entrepreneurial or industrial arenas: (1) Housing, (2) a Hotel/Convention Center, and (3) a Tourism/Native Arts/Museum.

NOW THEREFORE, BE IT RESOLVED, the Rapid City Common Council seeks to be responsive to the Department of Interior - Bureau of Indian Affairs letter dated July 13, 2017, and to find resolution to the questions surrounding the occupation of the three parcels herein labeled Parcel A1, A2, and B and rectify any potential deed violations; and

BE IT FURTHER RESOLVED, as the current occupants of Parcels A1, A2, and B have indicated they do not wish to have their parcels revert to the DOI-BIA, the Rapid City Common Council supports a creative solution whereby Parcels A1, A2, and B are exchanged "for other lands in or near Rapid City" for the use of "needy Indians;" and

BE IT FURTHER RESOLVED, that the Mayor of Rapid City and the Rapid City Common Council will work with Native American community members and the Rapid City Indian Boarding School Lands Project to devise and present a draft plan in the next six months which entails land exchanges and financial investments which, when combined, equal the value of the land and buildings for Parcels A1, A2, and B of twenty million dollars; and

BE IT FURTHER RESOLVED, that this plan will focus on the end goal of building a Rapid City Native American Community Center and capitalizing a Rapid City Native American Development Corporation which will generate revenue to support the Native American Community Center; and

BE IT FURTHER RESOLVED, that the plan will be presented to the Department of Interior – Bureau of Indian Affairs for consideration and approval of the land exchange portion of the plan in order to obtain clean title to Parcels A1, A2, and B; and

BE IT FURTHER RESOLVED, that the Mayor of Rapid City and the Rapid City Common Council shall make a good faith attempt to engage the Rapid City Area School District, Monument Health Behavioral Health Center, Clarkson Health Care–Westhills Village, and the Canyon Lake Activities Center to help secure financial and other support and assistance with regard to resolving the land exchange; and

BE IT FURTHER RESOLVED, this resolution and the plan it describes are limited to resolving only the three parcels explicitly referenced herein; and

BE IT FINALLY RESOLVED, by the Common Council of the City of Rapid City that the Mayor of Rapid City is authorized to lead our City's efforts to meet the goals and parameters laid out in this resolution.

Dated this 16th day of November, 2020

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director

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

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – None

BILLS

The following bills have been audited:

BILL LIST - NOVEMBER 16, 2020

P/ROLL PERIOD END 10/24/20, PD 10/30/20	1,828,809.77
PIONEER BANK & TRUST, 10/24/20 P/ROLL TAXES, PD 10/30/20	257,841.88
WELLMARK INC, HEALTH CLAIMS THROUGH 11/06/20, PD 11/12/20	251,309.81
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 11/02/20, PD 11/03/20	2,074.73
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 11/09/20, PD 11/10/20	6,832.41
SOUTH DAKOTA RETIREMENT SYSTEM, OCT20 RETIREMENT, PD 11/03/20	722,215.78
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 11/04/20, PD 11/05/20	4,831.86
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 11/11/20, PD 11/12/20	10,415.56
US BANK, CREDIT CARD CHARGES, PD 11/03/20	27,816.92
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 11/10/20	22,089.23
BLACK HILLS ENERGY, ELECTRICITY, PD 11/10/20	2,493.00
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 11/03/20	2,024.26
COMPUTER BILL LIST	4,568,618.47
CDEV COMPUTER BILL LIST	212.21
SUBTOTAL	7,707,585.89
RSVP, P/ROLL PERIOD END 10/24/20, PD 10/30/20	2,634.25
RSVP, PIONEER BANK & TRUST, 10/24/20 P/ROLL TAXES, PD 10/30/20	325.15
RSVP, COMPUTER BILL LIST	1,922.48
TOTAL	7,712,467.77

Sumption presented the bill list of \$7,712,467.77. Motion was made by Salamun, second by Jones to authorize (No. CC111620-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans, Weifenbach and Drew; no: None. Motion carried 10-0.

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 8:04 p.m.

Dated this 16th day of November, 2020.

ATTEST:

Finance Director

(SEAL)

CITY OF RAPID CITY

Mayor