

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
Monday, November 1, 2021

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 1, 2021 at 6:30 P.M.

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

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Public Works Director Dale Tech, Finance Director Pauline Sumption, Interim Community Development Director Vicki Fisher, Parks Director Jeff Biegler, IT Director Jim Gilbert, Fire Chief Jason Culberson, CDBG Manager Michelle Schuelke, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Evans, second by Salamun and carried to adopt the agenda. Motion carried 9-0.

RECOGNITIONS

Mayor Allender read the Proclamation for National Runaway Prevention Month. Christina Capobianco with Volunteers of America accepted the proclamation.

PRESENTATION

Alan Anderson, Ria Harper and Lysann Zeller, from the Sustainability Committee, presented their annual report to the city council. The report was acknowledged.

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

Carla Schanzenbach thanked the fire department and police department for their efforts during the bomb threat at SDSMT. Joe Headrich spoke about the need for Americans to show respect for patriotism.

NON-PUBLIC HEARING ITEMS -- Items 3 – 33

Regarding item (LF102721-04) the following people spoke: Adriana Young, Keera Taylor, DejaRae Little Butt and Sunny Red Bear. They would like a task force established to help homeless people. They indicated there needs to be a long-term solution to housing and the homeless problem. The city needs to focus on mutual aid and not throw money away on short-term solutions.

CONSENT ITEMS – Items 3 – 27

The following items were removed from the Consent Items:

14. PW102621-07: Authorize the Mayor and Finance Director to sign a covenant agreement between the City of Rapid City and DEVCOR, LLC allowing connection to City water system.
15. PW101221-20: Approve Request from KTM Design Solutions, Inc. for an exception 21EX161 to allow more than 40 dwelling units along Cloud Peak Drive with only one point of access. Per Section 2.6 of the Infrastructure Design Criteria Manual (IDCM), a single access can only serve 40 dwelling units unless an exception is approved by City Council.
19. LF102721-04 – Authorize Mayor and Finance Director to Enter into Co-Responder Agreement with Journey On!, Inc. to Provide Collaborative Street Level Responses to Those in Crisis and in Need of Services in Rapid City.
27. LF102721-03 – Approve Final FY21 Mid-Year CDBG Funding Recommendations

Motion was made by Evans, second by Jones and carried to approve Consent Items 3-27 except 14, 15, 19, and 27.

Approve Minutes

3. Approve Minutes for the October 18, 2021 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (November 15, 2021)

4. Naja Shrine Temple DBA Rapid City Shrine Center, for one SPECIAL EVENT on-sale dealer license for an event on November 19, 2021 at 4091 Sturgis Road; one SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event on November 20, 2021 at 4091 Sturgis Road; and one SPECIAL EVENT on-sale malt beverage license and an on-sale wine license for an event on December 18, 2021 at 4091 Sturgis Road.
5. City of Rapid City DBA Meadowbrook Golf Course, 2331 Arrowhead Drive for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license

Public Works Committee Consent Items

6. PW102621-01: Approve Change Order #9F to Simon Contractors of SD, Inc. for E Blvd E North Utility Reconstruction, Project 14-2170/CIP 50866.1 for a decrease of \$376.96.
7. PW102621-04: Authorize Mayor and Finance Director to sign Amendment No. 1 to a Professional Services Agreement between the City of Rapid City and RESPEC for IGT Subdivision Improvements – Water and Sewer, Project No. 20-2632 / CIP No. 51306, in the amount of \$1,515.
8. PW102621-06: Authorize Mayor and Finance Director to Sign Amendment No. 2 to the Agreement between the City of Rapid City and GeoStabilization International for Professional Services for Tower Road Stabilization Project, Project No. 19-2537, CIP No. 51254 for a funding correction.
9. PW102621-08: Approve Request from KTM Design Solutions for a variance to waive the requirement to install sidewalk along 225th Street, Rapid City, per City Ordinance 12.08.060.
10. PW102621-09: Approve Request from KTM for Cristy & Casey Davis and John & Nancy Schrecengost for a variance to waive the requirement to install sidewalk along 22540 and 22544 Palmer Road, per City Ordinance 12.08.060.
11. PW102621-02: Authorize Staff to lease 2 roll-off trucks and 1 side load refuse truck from Big Truck Rental for a total estimated cost of \$399,000.00.
12. PW102621-03: Authorize Mayor and Finance Director to sign Professional Services Agreement with Ferber Engineering Company, Inc. for Professional services for Cathodic Protection Technical Services, Project No. 21-2665 / CIP 51087, in the amount of \$25,000.
13. PW102621-05: Authorize Mayor and Finance Director to sign Amendment #3 for Perkins + Will Inc to increase Architect Compensation for the Civic Center Expansion, Project 2452, in the amount of \$209,040.00

Legal and Finance Committee Consent Items

16. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Tiana Shuster (Police Department)
17. LF102721-01 – Acknowledge Update from the Opportunity Capture Fund Committee.
18. LF102721-02 – Acknowledge August 2021 Sales Tax Report

CIP Committee Consent Items

20. No. CIP091721-00 – Acknowledge updates and minutes from October 2021 meeting.
21. No. CIP091721-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
22. No. CIP091721-04 – Approve Capital Plan for Fire Vehicles
23. No. CIP091721-05 – Approve Capital Plan for Parks & Recreation

24. No. CIP091721-06 – Approve Capital Plan for Information Technology
25. No. CIP091721-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
26. No. CIP091721-02 – Approve Capital Plan for PW Infrastructure

END OF CONSENT ITEMS

Mayor Allender read in item (PW102621-07) Authorize the Mayor and Finance Director to sign a covenant agreement between the City of Rapid City and DEVCOR, LLC allowing connection to City water system. Roberts stated he needed to abstain from this item. Motion was made by Salamun, second by Jones and carried to approve. Motion passed 8-0 with Roberts abstaining.

Mayor Allender read in item (PW101221-20) Approve Request from KTM Design Solutions, Inc. for an exception 21EX161 to allow more than 40 dwelling units along Cloud Peak Drive with only one point of access. Per Section 2.6 of the Infrastructure Design Criteria Manual (IDCM), a single access can only serve 40 dwelling units unless an exception is approved by City Council. Motion was made by Jones, second by Roberts to approve. Culberson answered questions directed to him regarding the exception request. He explained how it can be managed. Motion carried 9-0.

Mayor Allender read in item (LF102721-04) Authorize Mayor and Finance Director to Enter into Co-Responder Agreement with Journey On!, Inc. to Provide Collaborative Street Level Responses to Those in Crisis and in Need of Services in Rapid City. Armstrong stated she needed to abstain. Motion was made by Nordstrom, second by Jones to approve. Evans stated the right people have to have the right skills to do a good job. Hedrick stated that a good support system was needed. He indicated that many calls of service and social issues can be handled by others instead of the police. Weifenbach said the police and fire departments can't solve homelessness long-term. This service is coming out of the Mayor's budget. There needs to be more open avenues for the homeless. This help should lower the social work expected from the police or fire departments. Weifenbach and Jones are ready for this service to get started. Motion carried 8-0 with Armstrong abstaining.

Mayor Allender read in item (LF102721-03) Approve Final FY21 Mid-Year CDBG Funding Recommendations. Many council members had questions regarding the CDBG funding allocations. Some topics were unit mix, income mix and rental rates. Schulke explained CommonBond Communities with the total funding available of \$347,000.00; which consists of mixed-income 42-unit LaCrosse Street Apartment Building, including units for low and moderate income households. Fisher explained some aspects of the project. Council wanted more discussion before approving. Motion was made by Nordstrom, second by Weifenbach to continue to the November 15, 2021 City Council meeting. Motion carried 9-0 to continue.

NON-CONSENT ITEMS – Items 28 – 33

Ordinances

Mayor Allender read in item (LF101321-04) Second Reading of Ordinance No. 6509 Regarding Supplemental Appropriation No. 6 for 2021. Having passed its first reading on October 18, 2021, motion was made by Drew, second by Evans that the title be read in the second time. Upon vote being taken, the following voted AYE: Nordstrom, Roberts, Armstrong, Strommen, Jones, Salamun, Evans, Drew and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6509 was declared duly passed upon its second reading.

Mayor Allender read in item (LF101321-05) Second Reading of Ordinance No. 6512 Regarding Supplemental Appropriation No. 7 for 2021. Having passed its first reading on October 18, 2021, motion was made by Drew, second by Strommen that the title be read in the second time. Upon vote being taken, the following voted AYE: Nordstrom, Roberts, Armstrong, Strommen, Jones, Salamun, Evans,

Drew and Weifenbach; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6512 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 21RZ021) First Reading, Ordinance 6510, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Yasmeen Dream III, LLC for a Rezoning request from General Agricultural District to Low Density Residential II District for property generally described as being located southeast of the intersection of E. Philadelphia Street and E. Anamosa Street. Motion was made by Jones, second by Weifenbach and carried 9-0 that Ordinance 6510 be placed upon its first reading and the title was fully and distinctly read and the second reading was set for November 15, 2021.

Mayor Allender read in item (No. 21RZ022) First Reading, Ordinance 6511, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Indigo Design, LLC for Dakota Heartland, Inc. for a Rezoning request from General Commercial District to Office Commercial District for property generally described as being located north of the intersection of Timmons Boulevard and Bernice Street. Motion was made by Roberts, second by Salamun and carried 9-0 that Ordinance 6511 be placed upon its first reading and the title was fully and distinctly read and the second reading was set for November 15, 2021.

Community Development Items

Mayor Allender read in item (No. 21PL102) A request by KTM Design Solutions, Inc for Casey and Cristy Davis for a Preliminary Subdivision Plan for proposed Lots A and B of Palmer Subdivision No. 2, generally described as being located at 22540 and 22544 Palmer Road. Motion was made by Drew, second by Jones to approve 9-0 with the following stipulations: 1. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property. In addition, a copy of the approved plan shall be submitted with the Final Plat application; 2. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; 3. Prior to submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative. In addition, a copy of the executed agreement shall be submitted with the Final Plat application; 4. Prior to submittal of a Final Plat application, an Approach Permit shall be filed with the Pennington County Highway Department for the existing approach on proposed Lot A. In addition, a copy of the Approach Permit shall be submitted with the Final Plat application; and, 5. Prior to submittal of a Final Plat application, the plat document shall be revised to show Palmer Drive as Palmer Road.

2022 Alcoholic Beverage License Renewals

33. Approve the following 2022 Alcoholic Beverage License Renewals (1-36)

	License #	Owner/Master Name	DBA	Address
1	CL-15406	LESTER HOSPITALITY-RAPID CITY, LLC	RUSHMORE PLAZA HOLIDAY INN	505 N 5TH ST
2	PL-19804	HOLIDAY STATIONSTORES LLC	HOLIDAY STATIONSTORE #465	1610 CAREGIVER CIR
3	PL-19915	RUNNING SUPPLY INC	RUNNINGS FARM & FLEET	1020 N LA CROSSE ST
4	PL-20569	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1188	2215 HAINES AVE
5	PL-4443	M G OIL COMPANY	CORNER PANTRY - LACROSSE	2130 LACROSSE ST
6	PL-4610	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1189	3275 CABELL ST
7	PL-4704	NASH FINCH COMPANY	FAMILY FARE #265	751 MOUNTAIN VIEW RD
8	PL-4764	MOYLE PETROLEUM COMPANY	COMMON CENTS #125	1821 N ELK VALE ROAD
9	PL-4765	NASH FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
10	PL-4771	MOYLE PETROLEUM COMPANY	NORTH STREET SMOKE SHOP	634 E NORTH ST
11	PL-4782	NASH-FINCH COMPANY	FAMILY FARE #253	1516 E SAINT PATRICK ST
12	PL-5004	MOYLE PETROLEUM COMPANY	ORCHARD MEADOWS COMMON CENTS	3501 E HIGHWAY 44
13	PL-5077	LESTER HOSPITALITY-RAPID CITY, LLC	RUSHMORE PLAZA HOLIDAY INN	505 N 5TH ST
14	PL-5089	BW GAS & CONVENIENCE RETAIL, LLC	BW GAS & CONVENIENCE RETAIL, LLC	3343 HAINES AVE
15	RL-5327	WESTERN DAKOTA GAMING INC	VALLEY SPORTS BAR	1865 S VALLEY DRIVE
16	RL-5810	RUSHMORE CUISINE INC	RUBY TUESDAY	821 FAIRMONT BLVD
17	RL-5859inac	THE BESTRO LLC	THE BESTRO	333 OMAHA ST STE 4
18	RL-5862	WR RAPID CITY VENTURES LP	MINERVA'S BAR & RESTAURANT	2111 N LACROSSE ST
19	RL-5869	M.G. OIL COMPANY	THE PARK	707 MOUNTAIN VIEW RD
20	RL-5870	M.G. OIL COMPANY	THE PARK 3	707 MOUNTAIN VIEW RD SUITE C
21	RL-5877	BRINKER RESTAURANT CORP	CHILIS GRILL & BAR #1813	2125 HAINES AVE
22	RL-5889	CITY OF RAPID CITY	AIRPORT RESTAURANT & LOUNGE	4550 TERMINAL RD #206
23	RL-6208	APPLE RAP, LLC	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2160 HAINES AVE
24	RL-6272	RED ROCK GOLF CLUB LLC	RED ROCK GOLF CLUB	6520 BIRKDALE DR
25	RL-6329	M.G. OIL COMPANY	THE PARK 2	707 MOUNTAIN VIEW RD SUITE B
26	RW-22933	MOYLE PETROLEUM COMPANY	ORCHARD MEADOWS COMMON CENTS	3501 E HWY 44
27	RW-23107	MOYLE PETROLEUM COMPANY	LACROSSE COMMON CENTS	1909 LA CROSSE ST
28	RW-23108	MOYLE PETROLEUM COMPANY	COMMON CENTS-RUSHMORE RD	2660 MT RUSHMORE RD
29	RW-23109	MOYLE PETROLEUM COMPANY	OMAHA ST COMMON CENTS	1129 W OMAHA ST
30	RW-23110	MOYLE PETROLEUM COMPANY	COMMON CENTS #107	4128 JACKSON BLVD
31	RW-26207	BW GAS & CONVENIENCE RETAIL, LLC	YESWAY # 1187	4030 CHEYENNE BLVD
32	RW-26451	HOLIDAY STATIONSTORES LLC	HOLIDAY STATIONSTORES # 449	1846 EGLIN ST
33	RW-26452	HOLIDAY STATIONSTORES LLC	HOLIDAY STATIONSTORE #455	3216 E HIGHWAY 44
34	RW-26631	MOYLE PETROLEUM COMPANY	SHERIDAN LAKE COMMON CENTS	2808 SHERIDAN LAKE RD
35	RW-27150	GREAT WESTERN CORRAL LLC	GOLDEN CORRAL #778	1180 N LACROSSE ST
36	RW-27207	BELLAVITA LLC	SABATINOS ITALIAN RISTORANTE	617 MAIN ST

Motion was made by Weifenbach, second by Strommen, to approve 2022 alcohol license renewals shown as 1-36. Hedrick said there were no issues with any of them on this list. Motion carried 9-0.

PUBLIC HEARING ITEMS – Items 34 – 35

CONSENT PUBLIC HEARING ITEMS – Items 34 – 35

Motion was made by Roberts, second by Jones and carried 9-0 to approve Items 34 and 35.

Alcohol Licenses

34. X Golf Rapid City LLC DBA X-Golf Rapid City, 2200 North Maple Street, Rushmore Mall, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider License
35. Mayor Allender read in item (PW101221-16) Approve Authorization for the Mayor and Finance Director to Sign Resolution No. 2021-091, a Resolution to Enter into a Lease Agreement with Black Hills Farmers Market, Inc. *(This item was continued from the October 18, 2021 City Council Meeting.)*

RESOLUTION NO. 2021-091
A RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH
BLACK HILLS FARMERS MARKET, INC.

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Finance Director to sign the Lease Agreement between the City of Rapid City and Black Hills Farmers Market, Inc. and any other necessary documentation involving entering into a lease with Black Hills Farmers Market, Inc. for real property which is located at 245 E. Omaha Street, Rapid City, South Dakota, and legally described as follows:

Tract 28, Rapid City Greenway Tract, Rapid City, Pennington County, South Dakota

which property generally consists of a grassy area along with some paved areas and one building, upon the terms and conditions as reflected in the Lease Agreement between the City of Rapid City and Black Hills Farmers Market, Inc.

Dated this 1st day of November, 2021.

CITY OF RAPID CITY
s/Steve Allender
Mayor

ATTEST:
s/Pauline Sumption
Finance Director
(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – (NONE)

BILLS

BILL LIST - NOVEMBER 1, 2021

P/ROLL PERIOD END 10/08/21, PD 10/15/21	2,123,888.21
CDEV P/ROLL PERIOD END 10/08/21, PD 10/15/21	2,468.62
PIONEER BANK & TRUST, 10/08/21 P/ROLL TAXES, PD 10/15/21	538,392.71
CDEV PIONEER BANK & TRUST, 10/08/21 P/ROLL TAXES, PD 10/15/21	565.67
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEP21 SALES TAX PAYABLE, PD 10/25/21	46,695.64
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEP21 EXCISE TAX PAYABLE, PD 10/25/21	200.16
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEP21 CCTR SALES TAX PAYABLE, PD 10/25/21	20,711.70
WELLMARK INC, HEALTH CLAIMS THROUGH 10/15/21, PD 10/21/21	196,484.66
WELLMARK INC, HEALTH CLAIMS THROUGH 10/22/21, PD 10/28/21	137,430.14
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 10/18/21, PD 10/19/21	6,769.41
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 10/25/21, PD 10/26/21	3,333.43
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN SPECIAL PAY PLAN FEE- BARROWS S, JOHNSON L PD 10/19/21	90.00
RISK ADMINISTRATION SERVICES INC, WORK COMP CLAIMS THROUGH 10/20/21, PD 10/21/21	3,007.59
RISK ADMINISTRATION SERVICES INC, WORK COMP CLAIMS THROUGH 10/27/21, PD 10/28/21	3,189.98

US BANK, 2011B WASTEWATER BOND PYMT, PD 10/15/21	86,322.29
BANK WEST, TID56 RUSHMORE CROSSING, PD 10/28/21	18,659.88
BANK WEST, TID65 MINNESOTA ST, PD 10/28/21	4,670.96
BANK WEST, TID78 UNNAMED TRIBUTARY, PD 10/28/21	13,506.31
CITY OF RAPID CITY, TID64 CABELA'S, PD 10/28/21	10,127.14
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 10/28/21	8,038.21
MARKET SQUARE LLC, TID52 E ST CHARLES ST, PD 10/28/21	11,879.06
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 10/19/21	29,180.86
BLACK HILLS ENERGY, ELECTRICITY, PD 10/21/21	50,648.46
BLACK HILLS ENERGY, ELECTRICITY, PD 10/26/21	74,762.58
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/21/21	3,147.83
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/26/21	11,706.57
COMPUTER BILL LIST	4,202,491.19
CDEV COMPUTER BILL LIST	42,426.45
SUBTOTAL	7,650,795.71
RSVP, P/ROLL PERIOD END 10/08/21, PD 10/15/21	2,386.75
RSVP, PIONEER BANK & TRUST, 10/08/21 P/ROLL TAXES, PD 10/15/21	593.13
RSVP, COMPUTER BILL LIST	2,840.56
TOTAL	7,656,616.15

Sumption presented the bill list of \$7,656,616.15. Motion was made by Salamun, second by Jones and carried to authorize (No. CC110121-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 9-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Nordstrom, second by Strommen and carried to adjourn the meeting at 7:48 p.m.

Dated this 1st day of November, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____