

PROCEEDINGS OF THE SPECIAL CITY COUNCIL
Rapid City, South Dakota
December 27, 2021

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Rapid City was held at City Hall at 300 Sixth Street in Rapid City, South Dakota on Monday, December 27, 2021 at 12:00 P.M.

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

Staff members present included: Finance Director Pauline Sumption, Police Captain Scott Sitts, Community Planning Director Vicki Fisher, Parks and Recreation Director Jeff Biegler, Long Range Planning Manager Kip Harrington, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker, EMS Section Chief Brent Long and Administrative Coordinator Heidi Weaver.

ADOPTION OF THE AGENDA

Motion was made by Roberts, second by Lehmann and carried to adopt the agenda.

GENERAL PUBLIC COMMENT (NONE)

NON-CONSENT ITEMS – Items 1 - 3

Ordinances

Mayor Allender read in item (No. LF121521-02) Approve the Second Reading of Ordinance No. 6520 Regarding Supplemental Appropriation #8 for 2021. Having passed its first reading on December 6, 2021 motion was made by Roberts, second by Drew to approve. The following voted AYE: Lehmann, Salamun, Evans, Drew, Nordstrom, Strommen, Roberts and Armstrong. NO: None. Whereupon, the Mayor declared the motion passed and Ordinance 6520 was declared duly passed upon its second reading.

Evans requested a detailed spreadsheet be attached for future supplemental appropriations. He would like to see what the charges are for. Drew asked about the penalty payment to SD Retirement for the late submittal. Finance has put a plan in place to make sure this doesn't get missed again. Sumption advised the funds came out of the general fund / Finance Department.

BILLS

The following bills have been audited:

BILL LIST - DECEMBER 27, 2021

P/ROLL PERIOD END 12/18/21, PD 12/23/21	2,104,488.74
CDEV P/ROLL PERIOD END 12/18/21, PD 12/23/21	2,468.62
SUPP P/ROLL PERIOD END 12/17/21, PD 12/17/21	703.49
PIONEER BANK & TRUST, 12/18/21 P/ROLL TAXES, PD 12/23/21	532,732.71
CDEV PIONEER BANK & TRUST, 12/18/21 P/ROLL TAXES, PD 12/23/21	565.67
WELLMARK INC, HEALTH CLAIMS THROUGH 12/17/21, PD 12/23/21	257,821.84
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 12/20/21, PD 12/21/21	6,507.29
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 12/22/21, PD 12/23/21	7,787.90
COMPUTER BILL LIST,	4,402,321.23
CDEV COMPUTER BILL LIST	178.30
SUBTOTAL	7,315,575.79

RSVP, P/ROLL PERIOD END 12/18/21, PD 12/23/21	2,178.67
RSVP, PIONEER BANK & TRUST, 12/18/21 P/ROLL TAXES, PD 12/23/21	579.16
RSVP, COMPUTER BILL LIST	8,442.99
TOTAL	7,326,776.61

Sumption presented the bill list of \$7,326,776.61. Motion was made by Salamun, second by Strommen and carried to authorize (No. CC122721-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

Community Development Non-Consent Items

Mayor Allender read in item (No. 21TP026) Approve Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Transportation Planning Process in the amount of \$651,232. Motion was made by Nordstrom, second by Drew and carried to approve. Harrington stated the city received the agreement late this year and it needed to be approved by the end of the year.

PUBLIC HEARING ITEMS – Items 4 - 18

Dr. Kelly Jobman, spoke against the proposed dispensary location of 2525 W Main. She thinks this location is too close to where children have appointments, live and ride the bus. Jim Gwynn, owner of From the Hills, LLC, addressed the council regarding 21PD046. He stated this property is in the green zone but it required a planned unit overlay to be approved. Emmett Reistroffer, General Manager of Genesis Farms, LLC, spoke to the council. He has 12 items on this agenda. He is asking that all conditional use permits be granted for 21UR037, 21UR038, 21UR039, 21UR040, 21UR041, 21UR042, 21UR043, 21UR044, 21UR045, 21UR049, 21UR050, and 21UR051. Wes Koehne, member of Rapid City Citizens for Safe Cannabis Access, addressed the council. He said the parks, churches and school are of a concern. Stanton Anker, spoke on item No. 21UR047, he is in favor of the CUP on 2525 W Main Street, Suite 104 and 105. Nevada Ellison spoke on item 21UR048. He asked the council to approve his request for a medical cannabis dispensary located east of Tower Road, north of Hanks Drive. He said he was denied because of a problem with the access turn. Zachary Leib does not feel the location at 2525 W Main St at Suites 1 and 2 are harmful. Sally Kormandy spoke against (21UR047) at 2525 W Main St, Suites 1 and 2. She does not feel this is a good location. Kitt Jeffries, owner of Dakota Cannabis Consulting, thanked staff for all their hard work during this entire process.

NON-CONSENT PUBLIC HEARING ITEMS – Items 4 - 18

Mayor Allender read in item (No. 21PD046) Appeal of Planning Commission’s decision on a request by From the Hills to consider an application for a Major Amendment to A Planned Development Overlay to allow a Medical Cannabis Dispensary for property generally described as being located at 530 Cambell Street. Motion was made by Lehmann, second by Nordstrom and carried 8-0 to affirm the Planning Commission’s decision and approve the major amendment to A Planned Development Overlay.

Mayor Allender read in item (No. 21UR037) Appeal of Planning Commission’s decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow Medical Cannabis Dispensary for property generally described as being located at 1565 Haines Avenue, Suite B. Motion was made by Drew to affirm. Motion failed due to lack of a second. Motion was made by Salamun, second by Roberts to reverse the Planning Commission’s decision. The conditional use permit was denied 7 to 1 with Drew voting in favor to approve the CUP.

Mayor Allender read in item (No. 21UR038) Appeal of Planning Commission’s decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary property generally described as being located at 1624 E. St. Patrick Street, Suite 106, Suite 107, Suite 101 and Suite 108. Strommen stated he needed to abstain from items, 6, 7, 8 and 9. Motion was made by Roberts, second by Salamun to reverse the Planning Commission’s decision on items 6 (21UR038), item 7 (21UR039), item 8 (21UR040) and item 9 (21UR041). Drew and Evans spoke in favor of allowing one CUP at one of these four locations. Motion

passed 4 to 3 with Lehmann, Nordstrom, Roberts and Salamun voting against a conditional use permit for each of the four locations. Strommen abstained from items 6, 7, 8 and 9.

Mayor Allender read in item (No. 21UR042) Appeal of Planning Commission's decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located at 709 Mountain View Road. Motion was made by Drew, second by Evans to affirm the Planning Commission's decision. There was a tie vote with Salamun, Nordstrom, Roberts and Strommen voting against the conditional use permit. Mayor Allender broke the tie vote by voting against the reversal of the Planning Commission's decision. Motion was made by Nordstrom, second by Strommen to reverse the Planning Commission's decision. Nordstrom, Roberts, Strommen and Salamun voted yes; and Drew, Armstrong, Lehmann and Evans voted no. There was a tie vote 4 to 4. Mayor Allender broke the tie vote with a yes vote to reverse the Planning Commission's decision.

Mayor Allender read item (No. 21UR043) Appeal of Planning Commission's decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary property generally described as being located at 1565 Haines Avenue, Suite A, Suite E and Suite C. Motion was made by Salamun, second by Roberts to reverse the Planning Commission's decision for items 11 (21R043), item 12 (21UR044), and item 13 (21UR045). Strommen said he needed to abstain from items 11, 12 and 13. Motion carried 6 to 1 with Drew voting in favor of the conditional use permit and Strommen abstaining from items 11, 12, and 13.

Mayor Allender read in item (No. 21UR047) Appeal of Planning Commission's decision on a request by Michael Willard for Tree House Cannabis LLC to consider an application for a Conditional Use to allow a Medical Cannabis Dispensary for property generally described as being located at 2525 W. Main Street, Suite 104 and 105. Evans said he would consider voting for one CUP but wouldn't vote for each individual suite to have one. Motion was made by Nordstrom, second by Roberts to reverse the Planning Commission's decision. Motion carried 6 to 2 with Armstrong and Drew voting for the CUP.

Mayor Allender read in item (No. 21UR048) Appeal of Planning Commission's decision on a request by Cody Schad to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located east of Tower Road, north of Hanks Drive. Motion was made by Roberts, second by Salamun to affirm the decision of the Planning Commission. The request was denied 8-0.

Mayor Allender read in item (No. 21UR049) Appeal of Planning Commission's decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located at 608 St. Joseph Street. There was discussion about combining items (21UR049 and 21UR050) because they are right next to each other. Majority said to vote on them separately. Motion was made by Nordstrom, second by Roberts to reverse the decision of the Planning Commission. Motion carried 6 to 2 with Evans and Drew voting in favor of the CUP.

Mayor Allender read in item (No. 21UR050) Appeal of Planning Commission's decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located at 610 St. Joseph Street. Motion was made by Nordstrom, second by Salamun to reverse the decision of the Planning Commission. Motion carried 6 to 2 with Evans and Drew voting in favor of the CUP.

Mayor Allender read in item (No. 21UR051) Appeal of Planning Commission's decision on a request by Emmett Reistroffer for Genesis Farms, LLC to consider an application for a Conditional Use Permit to allow a Medical Cannabis Dispensary for property generally described as being located at 230 East North Street. Motion was made by Lehmann, second by Roberts to reverse the decision of the Planning Commission. Motion carried 8-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Roberts, second by Lehmann and carried to adjourn the meeting at 1:35 p.m.

Dated this 27th day of December, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

(SEAL)

Published at the approximate cost: _____