

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
July 20, 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, July 20, 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, Lance Lehmann, Darla Drew, John Roberts, and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Interim Police Chief Don Hedrick, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Interim Fire Chief Jason Culberson, Assistant Public Works Director Dan Coon, Community Development Director Ken Young and Administrative Coordinator Heidi Weaver

ADOPTION OF AGENDA

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

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

Mary Haan stated that COVID is affecting renters who are facing eviction. She thinks there should be a moratorium on evictions. The lists for housing assistance programs are already very long and people aren't getting help they need. She suggested that the Federal CARES Act funding could be used by landlords to help the tenants who were let go during the pandemic.

Molly Larson spoke on behalf of the homeless and said they need more help. She does not believe evictions should be taking place.

Andrew Huot said he has taken part in a few meetings with public officials. He said they lecture instead of have discussions. He said open dialogue is important. He could make a meeting happen between people who support Ndmcollection.org and city officials. He is in favor of defunding RCPD. He wants charged dropped for Nick and other protestors.

NON-PUBLIC HEARING ITEMS -- Items 1 – 32

CONSENT ITEMS – Items 1 – 26

There were no items removed from the Consent Items. Motion was made by Jones, second by Armstrong to approve consent items 1-26. Motion carried 9-0.

Approve Minutes

1. Approve Minutes for the July 6, 2020 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (August 3, 2020)

2. Great Western Corral, LLC DBA Golden Corral, 1180 North LaCrosse Street, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license
3. Fleet Farm Group LLC DBA Fleet Farm Fuel, 1115 East Mall Drive, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license
4. Fleet Farm Group LLC DBA Fleet Farm, 1001 East Mall 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

5. PW071420-01: Approve Change Order #1F to Complete Concrete, Inc for Star of the West Restrooms Bldg 2 Project No. 2564 / CIP No. 51249 for an increase of \$8059.00.

6. PW071420-02: Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Regency Court Storm Sewer Improvements, Project No. 2599/ CIP No. 51301, for an Amount not to Exceed \$42,520.00.
7. PW071420-03: Authorize Mayor and Finance Office to Sign Amendment No. 2 to the Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Professional Engineering Services for E. Idaho, E. Nevada and Ivy Street and Utility Reconstruction Project No 15-2253 / CIP 50421.3-1A and Willow, Ivy, and E. Fairlane Street and Utility Reconstruction Project No 15-2254 / CIP 50421.3-1B in the amount of \$5,850.00.
8. PW071420-04: Authorize staff to advertise for Pavement Rehabilitation Project – Mary Drive, Project No. 19-2545 / CIP 50844 for \$440,000.
9. PW071420-05: Authorize Staff to Advertise Bids for Northridge Dr. Overlay Project / Project No. 19-2554 / CIP No. 50549. Estimated Cost \$310,000.00
10. PW071420-06: Authorize staff to advertise bids for 2020 MIPS, Project No. 19-2559 / CIP No. 50298. Estimated Cost: \$210,000.
11. PW071420-07: Authorize Mayor and Finance Officer to sign two (2) copies of State of SDDOT Section 5339 Vehicle Facility Painting Sub-Recipient Agreement from FY2016 for \$11,157.
12. PW071420-08: Authorize Mayor and Finance Officer to sign agreement between the City of Rapid City and HDR Engineering, Inc. for Professional Services for Miscellaneous Improvements Projects, Project Number: 19 – 2540 / CIP #51132 in the amount of \$568,429.00.
13. PW071420-09: Approve Change Order No. 5F to Simon Contractors for 2019 Parks and Recreation Asphalt Paving Project No. PR19-6166 for a decrease of \$137,837.86.
14. PW071420-10: Authorize Staff to Purchase a 2020 Workman HDX 4WD with Full Box, ROPS Cab, Cab Heater and Alternator Kit for the Golf Maintenance Division with Omnia (IPA) Contract pricing in the amount of \$33,068.00.
15. PW071420-11: Authorize Staff to Purchase a 2020 Reelmaster 3555-D 3WD with 8 Blade DPA C/Units and Cutting Unit Weight Kit for the Golf Maintenance Division with Omnia (IPA) Contract pricing in the amount of \$48,370.00.
16. PW071420-12: Authorize Staff to Purchase a 2020 Greensmaster Triflex 3300 with Blade, Narrow Wiehle Rollers, Universal Groom Drive, Twin Tipped Groomers and LED Light Kit for the Golf Maintenance Division with Omnia (IPA) Contract pricing in the amount of \$41,627.00.
17. PW071420-13: Authorize Staff to Purchase a 2020 Groundsmaster 3200 4WD with 72” Side Discharge, Air Ride Seat Kit and Weight Kit for the Golf Maintenance Division with Omnia (IPA) Contract pricing in the amount of \$21,603.00.
18. PW071420-15: Request from KTM Design Solutions for an Exception to allow more than 40 dwelling units along E. Philadelphia Street with only one 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. PW071420-16: Request from KTM Design Solutions, Inc. for an Exception to allow more than 40 dwelling units with 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.

Legal & Finance Committee Consent Items

20. LF071520-07 – Authorize Staff to Apply for and Accept if Awarded a 2020 Fire Prevention Tools Grant Through FM Global Corporation in the Amount of \$7,015.00
21. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Deb Looby (RSVP+), Donna Franke (RSVP+), Connie Husband (RSVP+), Mary Jones (RSVP+), Sheila Kenny (RSVP+), Aisha Malik (RSVP+), Aisula Malik (RSVP+), Aleeya Malik (RSVP+), Alysala Malik (RSVP+), Asea Malik (RSVP+), Charlene Miller (RSVP+), Carol Vercoe (RSVP+), Gordon Vercoe (RSVP+), Janice Williams (RSVP+), Robert Williams (RSVP+), Janelle Jones (RSVP+), Frances Sanders (RSVP+), Kris Stewart (RSVP+), Shawn (Scott) Stewart (RSVP+), Amanda Dahl (Library)

- 22. LF071520-03 – Approve Resolution No. 2020-060 A Resolution Amending Certain Fees to be Charged in 2020 for Various Licenses, Permits and Applications. ***This Resolution is being published separately in the Rapid City Journal on August 1, 2020***
- 23. LF071520-04 – Acknowledge May 2020 Sales Tax Report.
- 24. LF071520-05 – Approve Resolution No. 2020-061 A Resolution Levying Assessment for Abatement of Nuisances

**RESOLUTION NO. 2020-061
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 Officer, 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 20th day of July, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
(SEAL)

	CUSTOMER NAME	ID#	CLEAN UP ADDRESS	MAILING ADDRESS	LEGAL DESCRIPTION	TOTAL DUE
1	DEBLEN INVESTMENTS LLLP	38272	SHERIDAN LAKE RD	1284 Woodridge Drive, Rapid City, SD 57701	Autumn Hills Subd, Tract A	\$ 397.00
2	VILLARREAL III, JOSE I	60482	624 KATHRYN AVE	624 Kathryn Ave, Rapid City, SD 57701	McMahon Subd; Lot 6 of Tract B	\$ 302.00
3	MCGHEE, ELIJAH L &	60517	916 KATHRYN AVE	916 Kathryn	New Park Subd, The; Lot	\$ 352.00

	MCGHEE, ALEXIS			Ave, Rapid City, SD 57701	4 of Tract A of Lot 1	
4	GITTINGS, ROXIE	33184	4518 SOUTH CANYON RD	4518 S Canyon Rd, Rapid City, SD 57702	Stanley Tract; Lot 17-18	\$ 322.00
5	ABBOTT, DEREK R	46801	1554 PHIL CT	1554 Phil Ct, Rapid City, SD 57701	Northern Heights Subd; Block 1; Lot 12	\$ 262.00
6	DICKSON, RACHEL A & DICKSON, VERONICA L	25021	1802 EMPEY DR	2207 Russet Ln, Rapid City, SD 57703	Lawndale, Block 1, Lot 11 Revised	\$ 1,342.00
7	KENNISON, PAULA	30196	222 E FAIRMONT BLVD	222 E Fairmont Blvd, Rapid City, SD 57701	Robbinsdale Terrace #2; Block 8, Lot 19 less W7'	\$ 352.00
8	SHARP, ROBERT A & SHARP, JOYCE L	32477	135 TALLENT ST	7980 Kimberwick Rd, Rapid City, SD 57703	South Park Add; Block 18; Lot 4-5	\$ 282.00
9	GIMBEL, TRAVIS	23255	619 SAINT JAMES ST	619 Saint James St, Rapid City, SD 57701	Flormann; Block 14; Lot 9-10	\$ 322.00

Community Development Consent Items

25. LF071520-08 – Authorize the Mayor and Finance Officer to Sign Contract for Construction of Public Improvements by Private Developer for Tax Increment District 82 Between Yasmeen Dream, LLC and the City of Rapid City
26. LF071520-09 – Authorize the Mayor and Finance Officer to Sign the Assignment Agreement with Bank West for Contract for Construction of Public Improvements by Private Developer for Tax Increment District 82 Between Yasmeen Dream, LLC and the City of Rapid City

END OF CONSENT ITEMS

NON-CONSENT ITEMS – Items 27 – 32

Ordinances

Mayor read in item (LF071520-01) First Reading of Ordinance No. 6432 Regarding Supplemental Appropriation 4 for 2020. Motion to approve was made by Armstrong, second by Nordstrom that Ordinance 6432 be placed upon its first reading and the title was fully and distinctly read and second reading set for August 3, 2020. Those voting aye: Nordstrom, Strommen, Armstrong, Salamun, Lehmann, Jones, Evans, Roberts and Drew; NO: none. Motion carried.

Mayor read in item (LF071520-02) First Reading of Ordinance No. 6433 Regarding Supplemental Appropriation 5 for 2020. Motion to approve was made by Jones, second by Armstrong that Ordinance

6433 be placed upon its first reading and the title was fully and distinctly read and second reading set for August 3, 2020. Those voting aye: Nordstrom, Strommen, Armstrong, Salamun, Lehmann, Jones, Evans, Roberts and Drew; NO: none. Motion carried.

Public Works Committee Items

Mayor read in item (PW063020-24) Appeal by Western Housing Enterprises, LLC of an Exception Request denial to waive the requirement to improve Valley Drive to collector street standards. (This item was continued from the July 6, 2020 City Council meeting per applicant's request.) Mayor indicated that the applicant's wished to withdraw their request. Motion was made by Nordstrom, second by Roberts and carried to withdraw the item per the applicant's request.

Legal & Finance Committee Items

Mayor read in item (LF071520-10) Authorize Mayor to Execute Certain Documents Which will Commit the City to Pay Monies Previously Allocated for the Renovation of Fitzgerald Stadium to a Financial Institution Financing a Portion of the Project on Behalf of Black Hills Sports, Inc. Motion was made by Jones, second by Drew and carried to approve.

Mayor's Items

Mayor read in item (CC072020-03) Authorize up to \$75,000 Additional Funding for new Emergency Homeless Shelter Location Operations. Mayor explained the scope of the smaller shelter. The current shelter is no longer at Rushmore Hall. It has been moved to 725 North LaCrosse Street. This shelter will only be used for patients who test positive for COVID-19. There is a smaller staff and a smaller building, which saves on operational costs. Motion was made by Salamun, second by Armstrong and carried to approve.

Alderman Items

Mayor read in (LF071520-11) Discuss a New Ordinance Allowing for Urban Hens with Restrictions-Chair Darla Drew. She was approached to allow hens inside city limits. Some suggestions for the proposed new ordinance are: a license would need to be purchased through the human society; up to four hens per property; no roosters; have to be housed in well-ventilated structures and predator proof; they can't be located in the front yard; must be neat and sanitary at all times. Drew has received a lot of feedback from younger residents. She would like to get it regulated and passed. Jones said he received contact from both side of the argument. Nordstrom said he would keep an open mind. He thinks it's going to be hard to regulate. Armstrong said people in her ward are mostly in favor of chickens. There are concerns since there are only three officers for 78,000 people. There has been suggestions for a pilot program to work out some of the glitches. Evans said most of his emails came from opposed citizens. He is concerned about bobcats and mountain lions. He said he would likely be in favor of an ordinance. He said people have the right to vote and maybe this will be brought forward as a referendum. Salamun is in favor of respectful, responsible and reasonable action on this item. Roberts said the people in his ward are more against it. He said both sides are passionate. He stated if this goes forward, there will be some homeowners associations and covenants that won't allow chickens. Council will have to look at how it's enforced and who is enforcing it. Young said this ordinance change is being considered in Chapter 6. He indicated that animal control, not code enforcement would be involved. There also needs to be more discussion on lot size and setbacks. In response to a question from Salamun, Landeen said there are few exceptions that would allow chickens, such as being grandfathered in, but it's very rare. In response to a question from Evans regarding the number of chickens allowed per residence, Drew said that four was the consensus by the Legal and Finance Committee. Drew said she would continue working with planning to see if an ordinance amendment could be brought forward. No actions was taken.

PUBLIC HEARING ITEMS – Items 33 – 39

CONSENT PUBLIC HEARING ITEMS – Items 33 – 36

Alcohol Licenses

- 33. Naja Shriners for a SPECIAL EVENT On-Sale Dealer License for an event scheduled for July 25, 2020 at Naja Shrine Center, 4091 Sturgis Road
- 34. City of Rapid City DBA Rushmore Plaza Civic Center, 444 Mt. Rushmore Rd, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license
- 35. 19. Spiker Management DBA LaVida, 1001 E North Street for a Retail (on-off sale) Wine and Cider license TRANSFER from Fiesta Tequila Mexican Restaurant LLC DBA Fiesta Tequila Mexican Restaurant, 1001 E North Street

Motion was made Armstrong, second by Roberts and carried to approve items 33-35.

Assessment Rolls

Mayor read in item (LF071520-06) Approve Resolution No. 2020-052B A Resolution Levying Assessment for Downtown Business Improvement District 2020. Motion was made by Lehmann and second by Roberts and carried to approve.

RESOLUTION NO. 2020-052B
 RESOLUTION LEVYING ASSESSMENT FOR
 DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2020

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

- 1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the Business Improvement District 2020 is the amount stated in the proposed assessment roll.
- 2. The Assessment Roll for Business Improvement District 2020 is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
- 3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with SDCL ch. 9-43, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed six and one-half percent (6.5%).

Dated this 20th day of July, 2020.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer
 (SEAL)

NON-CONSENT PUBLIC HEARING ITEMS – Items 37 – 39

Mayor read in item (No. 20RZ031) Second Reading, Ordinance 6426, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for BH Capital 4, LLC for a Rezoning request from General Agricultural District to Light Industrial District for property generally described as being located southeast of the intersection of N. Creek Drive and Eglin Street. Having passed its first reading on July 6, 2020 motion was made by Nordstrom, second by Strommen to approve. The following voted AYE: Salamun, Roberts, Nordstrom, Strommen, Armstrong,

Jones, Lehmann, Evans and Drew. NO: None. Whereupon, the Mayor declared the motion passed and Ordinance 6426 was declared duly passed upon its second reading.

Mayor read in item (200A003) Second Reading of Ordinance No. 6423 an Ordinance Amendment to Recodify Establishment and Organization of the Historic Preservation Commission by Removing Section 17.54.010E and Adding Chapter 2.62 to the Rapid City Municipal Code. Having passed its first reading on July 6, 2020 motion was made by Jones, second by Drew to approve. The following voted AYE: Salamun, Roberts, Nordstrom, Strommen, Armstrong, Jones, Lehmann, Evans and Drew. NO: None. Whereupon, the Mayor declared the motion passed and Ordinance 6423 was declared duly passed upon its second reading.

Mayor read in item (200A004) Second Reading of Ordinance No. 6434 an Ordinance Amendment to Revise the Requirement for a Planned Development Overlay by Amending Section 17.50.050 of the Rapid City Municipal Code. Having passed its first reading on July 6, 2020 motion was made by Nordstrom, second by Lehmann to approve. The following voted AYE: Salamun, Roberts, Nordstrom, Strommen, Armstrong, Jones, Lehmann, Evans and Drew. NO: None. Whereupon, the Mayor declared the motion passed and Ordinance 6434 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - JULY 20, 2020

P/ROLL PERIOD END 07/04/20, PD 07/10/20	1,742,299.71
CDEV P/ROLL PERIOD END 07/04/20, PD 07/10/20	3,836.33
SUPP P/ROLL PERIOD END 07/04/20, PD 07/15/20	769.60
PIONEER BANK & TRUST, 07/04/20 P/ROLL TAXES, PD 07/10/20	456,151.85
CDEV PIONEER BANK & TRUST, 07/04/20 P/ROLL TAXES, PD 07/10/20	960.21
PIONEER BANK & TRUST, SUPP 07/04/20 P/ROLL TAXES, PD 07/15/20	58.88
SOUTH DAKOTA DEPARTMENT OF REVENUE, JUN20 SALES TAX PAYABLE, PD 07/13/20	46,062
SOUTH DAKOTA DEPARTMENT OF REVENUE, JUN20 EXCISE TAX PAYABLE, PD 07/13/20	120.70
SOUTH DAKOTA DEPARTMENT OF REV JUN20 CCTR SALES TAX PAYABLE, PD 07/13/20	626.62
WELLMARK INC, HEALTH CLAIMS THROUGH 07/03/20, PD 07/09/20	176,005.80
WELLMARK INC, HEALTH CLAIMS THROUGH 07/10/20, PD 07/16/20	248,529.34
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/06/20, PD 07/07/20	5,598.75
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/13/20, PD 07/14/20	2,213.16
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 07/08/20, PD 07/09/20	28,499.70
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 07/15/20, PD 07/16/20	8,657.54
SDRS-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE- LLOYD, N. PD 07/10/20	45.00
WEST RIVER ELECTRIC ASSOCIATION, ELECTRICITY, PD 07/14/20	46,546.55
COMPUTER BILL LIST	3,226,547.91
CDEV COMPUTER BILL LIST	289.24
SUBTOTAL	5,993,819.00
RSVP, P/ROLL PERIOD END 07/04/20, PD 07/10/20	2,647.91
RSVP, PIONEER BANK & TRUST, 07/04/20 P/ROLL TAXES, PD 07/10/20	572.75
RSVP, COMPUTER BILL LIST	689.31
TOTAL	5,997,728.97
IMPREST FUND: TIMOTHY ZOLL, PAYROLL LOAN, PD 07/07/20	2,739.00
GRAND TOTAL	6,000,467.97

Sumption presented the bill list of \$6,000,467.97. Motion was made by Roberts, second by Jones and carried to authorize (No. CC072020-01) the Finance Officer 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.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Strommen and carried to adjourn the meeting at 7:18 p.m.

Dated this 20th day of July, 2020.

ATTEST:

CITY OF RAPID CITY

Finance Officer
(SEAL)

Mayor