RESOLUTION NO. 2011-054

RESOLUTION TO APPROVE VENDOR FEE
FOR RAPID CITY OPEN AIR MARKET

WHEREAS, in June, 2005, the City of Rapid City declared city-owned property located on Omaha Street across from Roosevelt Park and described as Tract 28, Rapid City Greenway Track as a farmers market, and

WHEREAS, the farmers market is known as the Rapid city Open Air Market ("Market"), and

WHEREAS, the number of vendors participating in the Market has increased, thereby increasing the number of vendor applications and processing time necessary to issue vendor permits, and

WHEREAS, the increase in participating vendors has necessarily increased the number of portable toilet facilities required to accommodate the Market vendors and customers, and

WHEREAS, the increase in vendor permit applications and portable toilet facilities has led to an increase in cost to the City, and

WHEREAS, the Common Council desires to off-set the increased cost to the City by charging a monthly vendor fee for vendors who participate in the Market.

NOW, THEREFORE, BE IT RESOLVED by the Rapid City Common Council that effective May 1, 2011 the Rapid City Department of Parks and Recreation will begin charging a vendor fee in the amount of Forty Dollars ($40) per month for each vendor space in the Rapid City Open Air Market.

Dated this 2 day of April, 2011.

CITY OF RAPID CITY

ATTEST:

Finance Officer

(SEAL)

Mayor
Kroeger addressed the community support for the festival as well as the concerns of area businesses noting that the motion will provide a trial period to evaluate the impact of the new venue. Hadcock indicated her support for the amended motion. Weifenbach voiced concern with the expansion of the festival boundaries and the impact on businesses located within those boundaries. In response to a question from Weifenbach, Green indicated that Summer Nights would be notified should Council elect to review the permit. Green indicated that the Council could use its discretion to establish criteria to resolve concerns brought forward regarding the permit. In response to a question from Weifenbach, Swan stated that she understood the motion and is confident the event can be handled appropriately. Brown voiced support for the motion. Waugh called the question. There being no objection to calling the question, the substitute motion carried.

Motion was made by Hadcock, second by Brown to (No. LF042711-12) Approve Resolution No. 2011-054 to Approve Vendor Fee for Rapid City Open Air Market. In response to a question from Weifenbach, Green stated that the City is allowing the use of public land for a commercial activity noting that the vendor fee will be utilized to offset the cost of providing restroom facilities at the site. In response to a question from Brown, Cole addressed the vendor use at the East Omaha site noting that the vendors are currently utilizing the restroom facilities of the adjacent businesses. Cole addressed the issues prohibiting the vendors from joining the Farmers Market noting the intent is to utilize the vendor fee to fund the restroom service. Discussion followed regarding the volume of vendors utilizing the site, the application process and verification of sale tax licenses. Cole addressed staff’s efforts to monitor vendor use at the site. Petersen expressed concern that current Farmers Market vendors may elect to relocate to the East Omaha site to take advantage of the lower fees. Cole addressed the Farmers Market Association permitting system noting that the Association rents the restroom facilities for the Founders Park site. Cole addressed the cost of providing the restroom facilities at the East Omaha site. In response to a question from Weifenbach, Cole stated that the City does not assess a vendor fee for the Farmers Market site. Upon vote being taken the motion carried (7-2) with the following voting AYE: Davis, Hadcock, Kroeger, Costello, Waugh, Brown and Mason, NO: Weifenbach and Petersen.

Motion was made by Hadcock, second by Davis to (No. LF041311-11) Authorize Mayor and Finance Officer to sign Joint Powers Agreement with Pennington County Regarding Emergency Management. Green requested that the agreement be amended to substitute the Pennington County State’s Attorney for the Pennington County Fire Coordinator. Hadcock and Davis accepted the amendment. Motion carried as amended.

Public Works Committee Items

Motion was made by Waugh, second by Brown to approve (No. 11CA001) Airport Master Plan – Adopt an Amendment to the adopted Comprehensive Plan to incorporate the City of Rapid City’s Regional Airport Master Plan, Land Use Compatibility Plan, October 2010. Hadcock thanked the Growth Management staff for the public open house. Motion carried.

2011 - 043
RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS, the Rapid City Planning Commission has reviewed the proposed amendment to the Comprehensive Plan and made a recommendation to the Rapid City Council; and

WHEREAS, the Rapid City Council held a public hearing on the 4th day of April, 2011, at which they considered the recommendation of the Planning Commission and the proposed amendment to the Comprehensive Plan; and

WHEREAS, the proposed Amendment to the Comprehensive Plan would incorporate the Airport Master Plan into the Comprehensive Plan; and
To: Mayor Alan Hanks and City Council Members

From: Jerry W. Cole, Director

Subject: Proposed Fee for Open Air Market Vendors

Date: April 20, 2011

The Department of Parks and Recreation has operated an Open Air Market on city parkland located east of Rapid Spa since 2005. Each summer the number of vendors participating in the market has increased thereby increasing costs for administration and chemical toilet facilities.

In an attempt to off-set a portion of these costs, staff recommends that a fee in the amount of $40 per month be established for the Open Air Market. This proposal was approved by the Parks and Recreation Advisory Board at its meeting on April 14, 2011.

Recommendation: Approve Resolution No. 2011-054 entitled Resolution to Approve Vendor Fee for Rapid City Open Air Market.

If you have any questions, please contact me.