

PROCEEDINGS OF THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., Monday, January 4, 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, January 4, 2021 at 6:30 P.M.

Council Leadership Vice President Lance Lehmann chaired the meeting. The following Alderpersons were present: Greg Strommen, Jason Salamun, Ritchie Nordstrom, Lance Lehmann; Pat Jones, Darla Drew, Ron Weifenbach and Bill Evans; Laura Armstrong participated by phone; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts.

Staff members present included: Finance Director Pauline Sumption, City Attorney Joel Landeen, Police Chief Don Hedrick, Fire Chief Jason Culberson, Public Works Operations Management Engineer Dan Coon, Community Development Director Ken Young, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Transportation Planning Coordinator Patsy Horton and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Nordstrom, second by Strommen and carried to approve the agenda. Roll call vote: AYE: Jones, Lehmann, Salamun, Evans, Nordstrom, Weifenbach, Drew, Strommen, and Armstrong. NO: None

PRESENTATION

David Lust gave a presentation on the Local Affordable Housing Initiative. He was at the meeting on behalf of the Black Hills Area Community Foundation and the Rapid City Strategic Housing Trust Fund. He gave statistics on affordable housing and where Rapid City sits amongst those statistics. The idea of a local housing trust fund is usually a department within a municipality that is devoted to workforce housing issues, maintaining inventory, creation of new inventory, remodels, and upkeep of those types of things. Lust explained the foundation was created in order to keep city government mostly out of the process and allow the foundation to tap into charitable dollars and other resources. Lust did explain that Ken Young and Sarah Hanzel would be part of the committee on behalf of the city. The council voiced favorable comments on the initiative.

GENERAL PUBLIC COMMENT

Rachel Caesar spoke in support of the city council members who wanted the mask mandate. Chuck Henrie encouraged citizens to run for council if they wanted things to change. Tonchi Weaver spoke regarding due process. She would like the attorney's office to address the 92 plus one complaints they turned over more than two weeks ago.

NON-PUBLIC HEARING ITEMS -- Items 2 – 22

CONSENT ITEMS – Items 2 – 21

The following items were removed from the Consent Items:

20. 20TP041: Approve the 2021-2024 Transportation Improvement Program Amendment #21-001
21. No. 20AN003 – Approve request by Atlantis LLC for a Petition of De-Annexation for, property generally described as being located at 1314 N. Elk Vale Road.

Motion was made by Nordstrom, second by Salamun to approve items 2-21 with the exception of items 20 and 21. Roll call vote was taken: Those voting AYE: Armstrong, Jones, Lehmann, Salamun, Evans, Strommen, Drew, Nordstrom and Weifenbach. No: None.

Approve Minutes

2. Approve Minutes for the December 21, 2020 Regular Council meeting.
3. Approve Minutes for the December 28, 2020 Special Council meeting.

Intent to Enter into a Lease Set for Hearing (January 19, 2021)

4. The City of Rapid City intends to enter into a lease for a portion of office space located at 333 Sixth Street with Jefferson Partners L.P.

Alcoholic Beverage License Applications Set for Hearing (January 19, 2021)

5. Happy Family Co., 908 South St, DBA Bokujo Ramen, 516 Mt. Rushmore Rd, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license and a Retail (on-off sale) Wine and Cider license

Working Session Committee Consent Items

6. WS123020-07: Confirm the Appointments of Daniel Earley and Chris Robinson to the Rapid City Trenching Board
7. WS123020-08: Confirm the Reappointment of Gary Brown and the New Appointment of Jason Lambert to the Civic Center Board of Directors
8. WS123020-06: Authorize Staff to Purchase Zoll 15 Cardiac Monitors/Defibrillators in the Amount of \$384,902.88
9. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Lindsey Miesen (RSVP+), Doris Richter (RSVP+)
10. WS123020-01: Authorize Staff to Advertise Bids for Tower Road Stabilization Project, Project No. 19-2537/CIP No. 51254 in the Amount of \$400,000.00
11. WS123020-02: Request Authorization for Staff to Seek Proposals for Engineering Services for Canyon Lake District Street Reconstruction, Project No. 19-2535/CIP No. 51098.1 and 51098.2 in the Amount of \$230,000.00
12. WS123020-03: Authorize Mayor and Finance Director to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Professional Engineering Services for Lime Creek Detailed Analysis of FEMA Special Flood Hazard Area, Project No. 18-2479/CIP No. 51192
13. WS123020-04: Authorize Mayor and Finance Director to Sign Amendment No. 2 to the Agreement between the City of Rapid City and FMG Engineering for Professional Engineering Services for Perrine and Unnamed Tributary Drainage Basin Design Plans (DBDPs) Amendment – Phase 2, Project No. 18-2430/CIP No. 51189.2
14. WS123020-05: Authorize Mayor and Finance Director to Sign Amendment No. 1 to the Agreement between the City of Rapid City and Ferber Engineering Company for Professional Engineering Services for FEMA LOMR – Southeast and Truck Bypass Drainages, Project No. 20-2569/CIP No. 51275
15. WS123020-09: Authorize Mayor and finance Director to Sign an Amendment to the Agreement between the City of Rapid City and West Plains Inc. for Design and Bidding for Well 5 and Well 9 Professional Services, Project No. 20-2600/CIP No. 51302, in the Amount of \$14,210.00
16. WS123020-10: Authorize Mayor and Finance Director to Sign Agreement Amendment No. 1 between the City of Rapid City and HDR Engineering, Inc. for Professional Services for Miscellaneous Improvements Projects, Project No. 19-2540/CIP No. 51132 in the Amount of \$76,829.00

- 17. WS123020-11: Approve Resolution No. 2021-001 a Resolution of Intent to Enter into a Lease for a Portion of Office Space Located at 333 Sixth Street with Jefferson Partners L.P. Pursuant to SDCL 9-12-5.2

RESOLUTION NO. 2021-001
 A RESOLUTION OF INTENT TO ENTER INTO LEASE FOR A PORTION OF OFFICE SPACE
 LOCATED AT 333 SIXTH STREET
 WITH JEFFERSON PARTNERS L.P. PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a lease with Jefferson Partners L.P. of real property which is located in the City of Rapid City, South Dakota, and legally described as follows:

Lot 20-32, Block 64, Original Townsite to the City of Rapid City, Pennington County, South Dakota

The property described above is commonly known as the Milo Barber Transportation Center, and the purpose of the proposed lease is to provide a central terminal for ground transportation carriers for the benefit of such carriers, their patrons, and the general public.

BE IT FURTHER RESOLVED that a hearing will be held on January 19, 2021, at 6:30 p.m. to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, to consider the lease of such property, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that notice of the time and place of this public hearing shall be published once, at least ten days prior to the hearing, by copy of this resolution of intent or by separate notice; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 4th day of January, 2021.

This item was published and set for hearing on Saturday, January 9, 2021

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director
 (SEAL)

- 18. WS123020-13: Approve Request from KTM Design Solutions on Behalf of Cresten Capital for a Variance to Waive the Requirement to Install Sidewalk Along Fox Road and Mount Rushmore Road, Rapid City, per City Ordinance 12.08.060
- 19. WS123020-12: Reject All Proposals Submitted for Life Safety Fall Arrest System at the Rushmore Plaza Civic Center – The Monument

END OF CONSENT ITEMS

Lehmann read in item (20TP041) Approve the 2021-2024 Transportation Improvement Program Amendment #21-001. Horton stated that DOT was paying. Motion was made by Nordstrom, second by Strommen to approve. Roll call vote was taken: AYE: Armstrong, Jones, Lehmann, Salamun, Evans, Strommen, Drew, Nordstrom, and Weifenbach; NO: None. Motion carried.

Lehmann read in item (No. 20AN003) Approve request by Atlantis LLC for a Petition of De-Annexation for, property generally described as being located at 1314 N. Elk Vale Road. Motion was made by Drew, second by Jones to approve. Horton explained the applicant wanted to expand Watiki Waterpark. Part of the property is in Rapid City and part is in Box Elder. Landeen said one of the stipulations is signing an agreement to de-annex regarding sewer and water, but sales tax stays in Rapid City. Landeen stated Rapid City doesn't have the water for the expansion and Box Elder does. The Department of Revenue determines the point of sale and they won't move anything. Roll call vote was taken: AYE: Armstrong, Jones, Lehmann, Salamun, Evans, Strommen, Drew, Nordstrom, and Weifenbach; NO: None. Motion carried.

NON-CONSENT ITEMS – Item 22

Community Development Items

Lehmann read in item (20TI006) Approve Resolution No. 2020-089 a Resolution to Create TID and Resolution No. 2020-090 to Approve a Project Plan for Property Generally Described as Being Located East of North Street, North of SD Highway 44, West of Elk Vale and South of Eglin Street. Motion was made by Nordstrom, second by Jones to approve Resolution No. 2020-089. Weifenbach verified if the question could be split. Landeen advised together or separate would work. Roll call vote was taken: AYE: Armstrong, Jones, Lehmann, Salamun, Evans, Strommen, Drew, Nordstrom, and Weifenbach; NO: None. Motion carried.

Resolution No. 2020-089
A RESOLUTION CREATING THE E ANAMOSA STREET WATER MAIN EXTENSION
TAX INCREMENT DISTRICT NUMBER EIGHTY-FOUR
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS, the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the Common Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and

WHEREAS, the Council finds pursuant to SDCL 11-9-8 that:

- (1) Not less ... than fifty percent, by area, of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and
- (2) The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the real property legally described as

Lot A, Lot B, Lot C, Lot G and Lot H of the North Valley Park Subdivision; the Unplatted Balance of N1/2NE1/4 less Lots H2, H3, H4, less RR ROW and less ROW; the S1/2NE1/4 less Menard Sub less North Valley Park Sub; Lot 1 and Lot 2 of Block 1, Lot A1, Lot A2, and Lot A3 of Block 2, Lots 1-17 of Block 3 and Lots 1-3 of Block 4, all of the Shepherd Hills Subdivision; Lot 1 of Block 1 and Lot 1 of Block 2 of the Shepherd Hills West Subdivision; the NE1/4SW1/4 less Menard Subd, less Shepherd Hills Subd, less Shepherd Hills West Subd, and less ROW; the NW1/4SE1/4SW1/4 less Lot H1; the SE1/4SE1/4; the SW1/4SE1/4; the NE1/4SE1/4 less W400 Ft; the NW1/4SE1/4 less Menard Subd, less Shepherd Hills Subd, and less ROW; the W400 Ft of NE1/4SE1/4 less Shepherd Hills Subd and less ROW; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

the S1/2NW1/4 less N160 ft of the SW1/4NW1/4; the SW1/4; the SE1/4SE1/4 less Lot H1 and Lot H2 and less ROW; the N1/2SE1/4 less Lot H1 and Lot H2 and less ROW, and the SW1/4SE1/4; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

the E910 Ft of GL 4; Lot A of NW1/4SW1/4; the E312 Ft of SW1/4NW1/4 less Diamond Ridge Subd and less ROW, the E312 Ft of the N536 Ft of NW1/4SW1/4 less Diamond Ridge Subd and less ROW; GL 3 less Copperfield Vistas Subd and less ROW; GL 2 less Rushmore Business Park less Lots H3, H7, H8 and ROW, the W660 Ft of GL 1 less Rushmore Business Park and less Lots H6 and H8, the N1081.18 Ft of SW1/4NE1/4 less Rushmore Business Park less Lots H2, H3, H4, H9 and ROW;

GL 1 less the W660 Ft less Shortcut Subd and less Lots H2 and H5, SE1/4NE1/4 less W660 Ft of N1081.18 Ft less Lots H2, H3, less Rushmore Regional Industrial Park and less Hilltop Business Park Subd; Lot 1 of Block 1 of the Shortcut Subdivision; Lot 1, Lots 10A-B, Lots 11-18 and Park Tract of Block 7, Lots 3-8 of Block 8, Lots 1-5 of Block 9, Lots 1A-B, 2A-B, 3A-B and Lots 14-23 of Block 10, Lots 1A-B, 2A-B, 3A-B, 4A-B, 5A-B, 6A-B, 7A-7B, 8A-B and Sign Lot of Block 11, Lots 1A-B of Block 12 of the Copperfield Vistas Subdivision; Lots 1-26 of Block 1, Lots 2-26 of Block 2, Lot 1 and Lot A2 of Block 3, Lot 1 of Block 4, Lot 1 of Block 5, and Lot A and Lot B, all of Diamond Ridge Subdivision; Lot A-B of Block 3, Lot 1R, 3R, 4R and Lot 5 of Block 4, and Lot 1 of Block 5, all of Rushmore Business Park; GL4 less E910 Ft; the SW1/4NW1/4 less E312 Ft and less Diamond Ridge Subd, and the NW1/4SW1/4 less E312 Ft of N536 Ft, less Lot A, and less Diamond Ridge Subd; and all H lots and dedicated right-of-way adjacent to said lots, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and

the NE1/4 of Govt Lot 1 (NE1/4NE1/4NE1/4) of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota

be and is hereby designated as the E Anamosa Street Water Main Extension Tax Increment District Number Eighty-Four.

Dated this 4th day of January, 2021.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption

Finance Director
(SEAL)

Motion was made by Nordstrom, second by Evans to continue Resolution 2020-090 to the Tuesday, January 19, 2021 City Council meeting; Roll call vote was taken: AYE: Armstrong, Jones, Lehmann, Salamun, Evans, Strommen, Drew, Nordstrom, and Weifenbach; NO: None. Motion carried.

PUBLIC HEARING ITEMS – Item 23
CONSENT PUBLIC HEARING ITEMS – (NONE)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Item 23

Lehmann read in item (200A006): Second Reading, Ordinance No. 6435 and Ordinance Amending Section 17.18 of Chapter 17 of the Rapid City Municipal Code. Having passed its first reading on December 21, 2020 motion was made by Strommen, second by Drew to approve. Upon roll call vote being taken the following voted AYE: Jones, Lehmann, Salamun, Evans, Drew, Nordstrom, Weifenbach, Strommen and Armstrong. NO: None. Whereupon, the Council Vice President declared the motion passed and Ordinance 6435 was declared duly passed upon its second reading.

BILLS

The following bills have been audited:

BILL LIST - JANUARY 4, 2021

WELLMARK INC, HEALTH CLAIMS THROUGH 12/25/20, PD 12/31/20	131,127.78
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/28/20, PD 12/29/20	5,430.54
RISK ADMINISTRATION SERVICES INC, WORK COMP CLAIMS THROUGH 12/30/20, PD 12/31/20	5,023.13
SD RETIREMENT SYSTEM-SPECIAL PAY PLAN, SPECIAL PAY PLAN FEE- ALDRICH, C. PD 12/24/20	45.00
BLACK HILLS COMMUNITY BANK, PARKS EQUIPMENT PRINC & INT	2,667.77
BLACK HILLS COMMUNITY BANK, EXECUTIVE GOLF EQUIPMENT PRINC & INT	2,670.67
HUMANE SOCIETY OF THE BLACK HILLS, JAN21 HUMANE SOCIETY	26,696.25
US BANK NATIONAL ASSOCIATION, 2011B WASTEWATER BOND PAYMENT	86,031.25
US BANK NATIONAL ASSOCIATION, 2019A AIRPORT BOND PAYMENT	59,866.67
US BANK TRUST, SRF CLEAN WATER #6 PAYMENT	84,583.36
US BANK TRUST, SRF DRINKING WATER #2 PAYMENT	105,933.32
US BANK, CREDIT CARD CHARGES, PD 12/30/20	49,424.42
BLACK HILLS ENERGY, ELECTRICITY, PD 12/31/20	117,803.42
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 12/31/20	6,114.36
GRAND TOTAL	719,520.31

Sumption presented the bill list of \$719,520.31. Motion was made by Nordstrom, second by Strommen and carried to authorize (No. CC010421-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. A roll call vote was taken. Roll call vote was taken and those voting AYE: Nordstrom, Strommen, Armstrong, Salamun, Lehmann, Weifenbach, Jones, Evans, and Drew; NO: none. Motion carried.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Strommen, second by Nordstrom and carried to adjourn the meeting at 7:35 p.m.

Dated this 4th day of January, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)