

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
February 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, February 1, 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, John Roberts, Lance Lehmann, Darla Drew, Ron Weifenbach and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Fire Chief Jason Culberson, Public Works Director Dale Tech, Community Develop Director Ken Young, IT Director Jim Gilbert, Parks and Recreation Director Jeff Biegler, Finance Director Pauline Sumption, Planning Manager Vicki Fisher, Planner Fletcher Lacock and Administrative Secretary Angie Boeve

ADOPTION OF AGENDA

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

Pat Jones called a point of personal privilege. He commended the Public Library Board for their resolution and willingness to work together for a student who cannot wear a mask due to medical reasons.

PRESENTATION

Jennifer Sietsema from the Black Hills Council of Local Government presented an update. Drew requested quarterly updates be provided to the Council.

Mitch Nachitgall of Elevate Rapid City gave the Ascent Innovation Campus Presentation. He explained that the Rapid City Area Chamber, the Economic Development Foundation and their Economic Development Partnership are under the Elevate umbrella. This allows them to reduce duplicate efforts. There is a waiting list for the campus. The most important part of the transition is ensuring the start-ups have a place to move into after their five years is up.

GENERAL PUBLIC COMMENT

Chuck Henrie spoke about the First Amendment and encouraged people to wear masks.

R. Shawn Tornow, Counsel for Businesses of Rapid City, Inc., Nick Uhre, Bill Clayton, Jasmine Stangle, Kirstin Mitzel, Annie Daniel, Roben Hinker, Marcie Hinker; Sheila Schielke, Christine Stephenson, Annie Loyd, Amy Sazue, Deborah Mitchell, Rachel Caesar, Natalie LaFrance-Slack, Julie Jensen and Rod Pettigrew spoke in regards to the Executive Session.

NON-PUBLIC HEARING ITEMS -- Items 3 – 54

CONSENT ITEMS – Items 3 – 43

The following items were removed from the Consent Items:

13. WS012721-10: Acknowledge November 2020 Sales Tax Report

31. WS012721-21: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Skyline Engineering, LLC for Construction Administration for the Downtown Lighting, Project No. 20-1613 / CIP No. 51228, in the amount of \$112,705.00

Motion was made by Roberts, second by Jones and carried to approve items 3 – 43, with the exception of items 13 and 31.

Approve Minutes

3. Approve Minutes for the January 19, 2021 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (February 16, 2021)

4. Bar K-9 for a SPECIAL EVENT on-sale Malt Beverage for an event scheduled for February 26 and 27, 2021, at the Rushmore Mall, Center Court, 2200 N Maple Dr. #508
5. Naja Shrine Temple for a SPECIAL EVENT On-Sale Wine license and On-Sale Malt Beverage License, an event scheduled for March 6, 2021 at the Rapid City Shrine Center, 4091 Sturgis Road
6. Main Street Square Inc. for a SPECIAL EVENT On-Sale Dealer license scheduled for June 19, 2021; for SPECIAL EVENT On-Sale Dealer license scheduled for August 7, 2021; for a SPECIAL EVENT On-Sale Dealer license scheduled for August 25, 2021; for a SPECIAL EVENT On-Sale Malt Beverage License and On-Sale Wine License scheduled for September, 25, 2021 at Main Street Square & 6th Street (between Main Street and Omaha Street)

Working Session Committee Consent Items

7. WS012721-12: Authorize Purchase of a 2021 John Deere 4052R Compact Utility Tractor from RDO Equipment Co. with Sourcewell Grounds Maintenance Pricing in the Amount of \$56,089.61 with a Trade-In of a John Deere 2155 Tractor for \$2,600.00 and a 2016 Kubota for \$11,450.00 for a Total Price of \$42,039.61
8. WS012721-15: Authorize Staff to Purchase a 2021 RAM 3500 Regular Cab, 4X4, 6.4L V8 Truck from Liberty Superstores with Matching State Bid Pricing in the Amount of \$29,991.90
9. WS012721-16: Authorize Staff to Purchase a 2021 RAM 5500 Regular Cab, 4X4, 6.4L V8 Truck from Liberty Superstores with Matching State Bid Pricing in the Amount of \$39,161.00
10. WS012721-23: Authorize Staff to Purchase a 2022 Ford F750 Diesel Regular Cab Base 212" WB 138" CA with Crysteel "Select" 16' Dump Body from National Auto Fleet with Sourcewell Pricing for a Total Price of \$104,693.00
11. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Shirley Brost (RSVP+), Johnnie Daum (RSVP+), Loretta Endres (RSVP+), Bonnie Fugate (RSVP+), Donna Juran (RSVP+), Sally Levengood (RSVP+), Bonnie Manning (RSVP+), Jane Mattson (RSVP+), Robert Ryther (RSVP+), Sue Sisson (RSVP+), Karen Turgeon (RSVP+), Les Turgeon (RSVP+), Lorie Umphrey (RSVP+), Joanne Vigoren (RSVP+), Bonnie Witt (RSVP+), Connie Zimbleman (RSVP+)
12. WS012721-09: Acknowledge December 2020 General Fund Cash Balance Report
14. WS012721-11: Approve Resolution No. 2021-005 a Resolution Declaring Miscellaneous Personal Property Surplus to be traded and/or donated

Resolution #2021-005

RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes:

From: PARKS(607)

For Deletion (Trade):
ATLAS AIR COMPRESSOR
VIN# 4500A0618XH609965

POLICE (201)

For Deletion (Donation):
QTY 20 – TASER X26P
SERIAL #:

- X13004XYR
- X13003EFO
- X130037NX
- X130039T4
- X13003EXR
- X130037RM
- X13004XWD
- X13003EEN
- X13004XY3
- X13004Y3K
- X13003ETR
- X130038RY
- X13005XA3
- X13005X2C
- X13003EFK
- X13004Y3V
- X13003F0D
- X13003EX4
- X13008V06
- X13003EYV

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 1st day of February, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

- 15. WS012721-17: Approve Resolution No. 2021-007 a Resolution Declaring Miscellaneous Personal Property surplus to be discarded

Resolution #2021-007

RESOLUTION DECLARING MISCELLANEOUS PERSONAL PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes:

From: Police (201)
For Deletion :

State ID	Radio ID	SN#	Radio Model
SRC01947	5161	53176F511A15414	EFJ 5300
SRC01902	5217	53176F511A15295	EFJ 5300
SRC8615	10751	51120A422A13766	EFJ 5100
	5366	51120A103A16479	EFJ 5100
	19872	407CKT6508	MOTOROLA XTS2500
	19274	407CKT6657	MOTOROLA XTS2500
	16547	407CHF6665	MOTOROLA XTS2500
	19833	407CKT5732	MOTOROLA XTS2500
	16549	407CHF6667	MOTOROLA XTS2500
	19856	407CKT5755	MOTOROLA XTS2500
	15681	407CGT2781	MOTOROLA XTS2500

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 1st day of February, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

- 16. WS012721-20: Approve Resolution no. 2021-008 a Resolution Authorizing and the Issuance of Gross Receipts Revenue Refunding Bonds, Series 2021, of the City; Pledging the Revenues of the Gross Receipts Tax of the City to the Payment of Said Bonds; Authorizing Officers of the City to Approve, Execute and Deliver Certain Agreements and Documents Relating to Bonds

RESOLUTION 2021-008

A RESOLUTION AUTHORIZING THE ISSUANCE OF GROSS RECEIPTS REVENUE REFUNDING BONDS, SERIES 2021, OF THE CITY; PLEDGING THE REVENUES OF THE GROSS RECEIPTS TAX OF THE CITY TO THE PAYMENT OF SAID BONDS; AUTHORIZING OFFICERS OF THE CITY TO APPROVE, EXECUTE AND DELIVER CERTAIN AGREEMENTS AND DOCUMENTS RELATING TO THE BONDS

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

SECTION 1. RECITALS, AUTHORIZATION AND SALE.

1.01. Recitals and Authorization. It is hereby found, determined and declared that:

(A) The City of Rapid City, in the County of Pennington and State of South Dakota (the "City"), is a political subdivision of the State of South Dakota and a body corporate and politic.

(B) Under the laws of the State of South Dakota, the City is possessed of all powers which are necessary, requisite or proper for the government and administration of its local and municipal matters, and all rights and powers that now or hereafter may be granted to municipalities by the laws of the State of South Dakota.

(C) The City is authorized by Chapter 10-52A-2, South Dakota Codified Laws (the "Gross Receipts Tax Act"), to levy an additional "non-ad valorem tax" (as defined by the Gross Receipts Tax Act) of one percent upon the gross receipts of all leases or rentals of hotel, motel, campsites or other lodging accommodations within the City for periods of less than 28 consecutive days, or sales of alcoholic beverages as defined in Section 35-1-1, South Dakota Codified Laws, or establishments where the public is invited to eat, dine or purchase and carry out prepared food for immediate consumption, or ticket sales or admissions to places of amusement, athletic and cultural events, or any combination thereof (the "Gross Receipts Tax").

(D) The City may issue municipal non-ad valorem tax revenue bonds pursuant to Section 10-52A-14 of the Gross Receipts Tax Act and Chapter 6-8B, South Dakota Codified Laws (the "Bond Act"; together with the Gross Receipts Tax Act, the "Act"), in anticipation of the collection of the Gross Receipts Tax. Such bonds are required to be payable solely from collections of the Gross Receipts Tax, and the City is required to covenant that it will continue to impose and collect the Gross Receipts Tax so long as such bonds are outstanding.

(E) Pursuant to the Act, Section 3.16.040 (the "Original Ordinance") of the Rapid City Municipal Code (the "Code") and an Indenture of Trust dated August 1, 2008, between the City and The First National Bank in Sioux Falls, in Sioux Falls, South Dakota, as trustee (the "Trustee"), the City previously issued its Gross Receipts Tax Revenue Bonds, Series 2008, dated, as originally issued, as of August 1, 2008 (the "Series 2008 Bonds"), payable as to principal, premium, if any, and interest from the Gross Receipts Tax, for the purpose of financing improvements to the existing Rushmore Plaza Civic Center. The City further issued, pursuant to the Original Ordinance and the Act, its Gross Receipts Revenue Refunding Bonds, Series 2014, dated, as originally issued, as of March 25, 2014 (the "Series 2014 Bonds"), the proceeds of which refunded the Series 2008 Bonds.

(F) Pursuant to Ordinance No. 6015 adopted October 20, 2014, the City repealed the Original Ordinance and added Chapter 3.18 to the Code (the "Ordinance"), which Ordinance provides for the imposition of the Gross Receipts Tax and the allocation thereof, with 25% allocated to Visit Rapid City and 75% (the "Pledged Gross Receipts Tax") allocated to the Rushmore Plaza Civic Center Board (the "Board").

(G) The Board is created and governed by Chapter 2.76 of the Code and South Dakota Codified Laws, Chapter 9-52 (the "Board Governance Provisions"). Section 2.76.100 of the Code provides that funds pertaining to the Civic Center shall be placed in the custody of the Finance Director, and South Dakota Codified Laws, Section 9-52-26 provides that actions of the Board shall at all times be governed

by and subject to all covenants, agreements and limitations contained in the resolutions of the City Council authorizing outstanding revenue bonds.

(H) As authorized by the Ordinance, the Act, the 2014 Resolution and the Board Governance Provisions, the City has determined that it is necessary and desirable to issue additional gross receipts tax revenue bonds, in one or more series, to be designated "City of Rapid City, South Dakota, Gross Receipts Revenue Refunding Bonds, Series 2021" (the "Bonds"), the proceeds of which would be used, together with any additional funds of the City which might be required, (i) to refund in advance of maturity and redeem on June 1, 2021 or such other date as is selected by the Finance Director (the "Redemption Date"), the Series 2014 Bonds (the "Refunded Bonds"), aggregating \$2,295,000 in principal amount, and (ii) to pay the costs of issuance of the Bonds (including an original issue discount not to exceed 2% of the par amount of the Bonds and any bond insurance premium as may be required).

1.02. Sale and Bond Purchase Agreement. The Bonds authorized hereby shall be sold to Colliers Securities (the "Purchaser"), in an aggregate principal amount not to exceed the amount necessary to provide for the refunding of the Refunded Bonds and paying costs of issuance of the Bonds, including original issue discount, the underwriter's discount and any bond insurance premium, the Bonds to bear interest at a rate or rates per annum resulting in an average yield not to exceed 2.00% per annum and to mature over a period not to exceed eight (8) years. Such proposal is hereby approved and the Mayor and Finance Director are hereby authorized and directed to agree with the Purchaser upon the exact purchase price, principal amount, maturities, redemption provisions and interest rate or rates for the Bonds, within the parameters set forth in this Section 1.02. The execution of a Bond Purchase Agreement setting forth such final terms or any similar document (a "Bond Purchase Agreement") by the Mayor and Finance Director is hereby approved and authorized and such execution shall be conclusive evidence of such agreement and shall be binding upon the City. The provisions of the Bond Purchase Agreement as so executed, including any and all Exhibits and Appendices thereto, are incorporated herein by reference. The law firm of Dorsey & Whitney LLP, in Minneapolis, Minnesota, is hereby appointed as bond counsel and disclosure counsel for purposes of this issue of Bonds.

1.03. City Officers Authorized to Execute Documents. The Mayor, Finance Director and City Attorney are hereby authorized and directed to execute and deliver the Bond Purchase Agreement and the documents required thereunder, the Official Statement, the Bonds and any other documents required to complete the financing contemplated hereby. Execution and delivery of such documents by the Mayor, Finance Director and City Attorney shall constitute evidence that such items are consistent with the terms of this Resolution and have been duly authorized, executed and delivered by the City and are enforceable against the City in accordance with their terms, subject to customary exceptions relating to bankruptcy, reorganization, insolvency and other laws affecting creditors' rights. The Mayor, Finance Director and City Attorney are further authorized to take such other actions as may be required to effectuate the terms and intent of this Resolution. In the event of the absence or disability of the Mayor, Finance Director or City Attorney, the acting Mayor, the acting Finance Director or the acting City Attorney are hereby authorized to act in the place and stead of the Mayor, Finance Director and City Attorney, and to take all actions and execute all documents approved hereby.

1.04. Official Statement. The Mayor, Finance Director and the City Attorney are authorized, in cooperation with the Municipal Advisor, to prepare an Official Statement to be distributed to prospective purchasers of the Bonds. The Mayor and the Finance Director are hereby authorized and directed to approve, and, if requested, to execute the final Official Statement.

SECTION 2. BOND TERMS, EXECUTION AND DELIVERY.

2.01. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the Finance Director and shall be executed and authenticated on behalf of the City by the signatures of the Mayor and the Finance Director and countersigned by an attorney resident and licensed to practice in the

State of South Dakota. All signatures may be printed, lithographed, photocopied or engraved facsimiles of the original. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. After the Bonds have been so prepared and executed, the Finance Director shall deliver them to the Registrar for delivery to the Purchaser on receipt of the purchase price heretofore agreed upon, and the Purchaser shall not be required to see to the application thereof.

2.02. Maturities and Interest Rates. The Bonds shall be issued in the denomination of \$5,000 each, or any integral multiple thereof, shall mature on the dates and in the respective years and amounts, and shall bear interest from date of original issue until paid or duly called for redemption at the respective annual rates stated opposite such maturity years as shown in the final Official Statement. The Bonds shall be issuable only in fully registered form and may be issued either in book-entry only form or in physical form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein; provided if the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Each Bond shall bear a date of original issue as set forth in the Bond. Upon the initial delivery of the Bonds pursuant to Section 2.01 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. The interest on the Bonds shall be payable on the dates shown in the final Official Statement, to the owner of record thereof as the close of business on the fifteenth day of the immediately preceding month, whether or not such day is a business day. Interest shall be computed on the basis of a 360 day year composed of twelve 30 day months.

2.04. Redemption. The Bonds shall be subject to redemption prior to maturity, at the option of the City, in the years and at the redemption prices set forth in the final Official Statement in such order of maturities as may be designated by the City and, within any maturity, in \$5,000 principal amounts selected by the Registrar by lot, assigned in proportion to their principal amounts. The Finance Director shall cause notice of the call for redemption thereof to be published as and if required by law, and, at least thirty days prior to the designated redemption date, shall cause notice of the call thereof for redemption to be mailed, by first class mail (or, if applicable, by the bond depository in accordance with its customary procedures), to the registered owners of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, but no defect in or failure to give such mailed notice shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. The notice of redemption shall specify the redemption date, redemption price, the numbers, interest rates and CUSIP numbers of the Bonds to be redeemed and the place at which the Bonds are to be surrendered for payment, which is the principal office of the Registrar. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

2.05. Appointment of Initial Registrar. The City hereby appoints U.S. Bank National Association, St. Paul, Minnesota, as bond registrar, transfer agent and paying agent (the "Registrar"). The Mayor and the Finance Director are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty (30) days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar. On or before each principal or interest due date, without further order of the Council, the Finance Director shall transmit to the Registrar, from the accounts described in Section 4, moneys sufficient for the payment of all principal and interest then due.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

- (a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.
- (b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.
- (c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange, the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.
- (d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.
- (e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.
- (f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on such Bond and for all other purposes, and all such payments so made to any such registered owner or upon the

owner's order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

- (g) Taxes, Fees and Charges. For every transfer or exchange of Bonds, the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.
- (h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any such Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that such Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms, it shall not be necessary to issue a new Bond prior to payment.

2.07. Bond Form. The Bonds shall be prepared in substantially the form presented to and approved by this Council and on file in the office of the Finance Director.

2.08. Securities Depository.

- (a) For purposes of this section the following terms shall have the following meanings:

"Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

"Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"DTC" shall mean The Depository Trust Company of New York, New York.

"Participant" shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

"Representation Letter" shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC's Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this Resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or

obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this Resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor or Finance Director, if not previously filed with DTC, is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this Resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this Resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

SECTION 3. USE OF PROCEEDS; REDEMPTION OF REFUNDED BONDS.

3.01. Use of Proceeds. Proceeds of the Bonds, together with any other funds of the City, shall be deposited in the Bond Account established for the Refunded Bonds to be applied to their payment on the Redemption Date and proceeds of the Bonds shall also be used to pay costs of issuance of the Bonds.

3.02. Redemption of Refunded Bonds. The Finance Director is directed to call the Refunded Bonds for redemption and prepayment on the Redemption Date and to give notice of redemption substantially in the form attached hereto as Exhibit A in accordance with the provisions of the Resolution authorizing the issuance of the Refunded Bonds.

SECTION 4. FUND AND ACCOUNTS.

4.01. Gross Receipts Tax Revenue Fund. There has been established in connection with the Refunded Bonds, and the Finance Director will continue to maintain, a Gross Receipts Tax Revenue Fund (the "Revenue Fund") as a separate and special fund in the financial records of the City until all obligations issued and made payable therefrom, and interest due thereon, have been duly paid or discharged. All collections of the Gross Receipts Tax shall be credited, as received, to the Revenue Fund. Within the Revenue Fund are various separate accounts to be maintained by the City.

4.02. Bond Account. So long as any of the Bonds and Additional Bonds (together, the "Parity Bonds") are outstanding and any principal of or interest thereon unpaid, a separate debt service fund shall be maintained within the Revenue Fund to be known as the Gross Receipts Tax Revenue Bond Account (the "Bond Account") and the principal and interest on the Parity Bonds shall be payable from the Bond Account. The City shall deposit in the Bond Account, from proceeds of the Pledged Gross Receipts Tax, amounts sufficient to pay the principal of, premium, if any, and interest on the Parity Bonds when due (on each Interest Payment Date and at maturity or call for redemption). The moneys on hand in the Bond Account from time to time shall be used solely to pay the principal of and interest on the Parity Bonds. So long as the Bonds shall be outstanding, either as to principal or interest, or both, the Pledged Gross Receipts Tax revenues shall be set aside and deposited:

(A) into a separate subaccount hereby created and to be known as the Interest Account (the "Interest Account"), monthly, commencing on the first day of the first month following the delivery of the Bonds, an amount in equal monthly installments necessary, together with any moneys therein and available therefor, to pay the next maturing installment of interest on Parity Bonds then outstanding and monthly thereafter on the first day of each month commencing on said interest payment date, one-sixth (1/6th) of the amount necessary to pay the next maturing installment of interest on the outstanding Parity Bonds; and

(B) into a separate subaccount hereby created and to be known as the Principal Account (the "Principal Account"), monthly, commencing on the first day of the first month following delivery of the Bonds, an amount in equal monthly installments necessary, together with any moneys therein and available therefor, to pay the next maturing installment of principal on the outstanding Parity Bonds and monthly thereafter on the first day of each month commencing on said principal payment date, one-twelfth (1/12th) of the amount necessary to pay the next maturing installment of principal on the Parity Bonds.

(C) After and subordinate to the payments required by subparagraphs (A) and (B) hereof, any balance of the Pledged Gross Receipts Tax in the Revenue Fund shall be used to pay principal of, interest on and any reserve fund for Subordinate Bonds (provided that such payments may be made at any intervals as may be provided in the ordinance or resolution authorizing such Subordinate Bonds, but in no event more frequently than payments are made pursuant to subparagraphs (A) and (B) hereof) or applied in accordance with the Ordinance and Act.

Nothing herein shall prevent the City, in its discretion, from making any of the foregoing deposits from other legally available funds. If prior to any interest payment date or principal payment date, there has been accumulated in the Bond Account the entire amount necessary to pay the next maturing installment of interest or principal, or both, the payment required in subparagraph (A) or (B) (whichever is applicable) of this Section 4.02, may be appropriately reduced and the required annual or semiannual amounts again shall be so credited to such subaccount commencing on such interest payment date or principal payment date (whichever is applicable). The moneys in the Bond Account are irrevocably and exclusively pledged to the payment of principal of and interest on the Parity Bonds.

4.03. Deposit and Investment of Funds. The Finance Director shall cause all moneys in the Revenue Fund to be deposited as received with one or more banks which are duly qualified public depositories under the provisions of Chapter 4-6A, SDCL, in a deposit account or accounts, which shall

be maintained separate and apart from all other account of the City, so long as any of the Bonds and the interest thereon shall remain unpaid. Any of such moneys not necessary for immediate use may be deposited with such depository banks in savings or time deposits. No moneys shall at any time be withdrawn from such deposit accounts except for the purposes of the respective funds as authorized in this Resolution, except that moneys from time to time on hand in the respective funds may at any time, in the discretion of the City Council, be invested in securities permitted by the provisions of Section 4-5-6, SDCL. Income received from the deposit or investment of moneys shall be credited to the account from whose moneys and deposit was made or the investment was purchased, and handled and accounted for in the same manner as other moneys in that account. The investment of the moneys on deposit in the Bond Account is further restricted by the provisions of Section 8 hereof.

SECTION 5. PRIORITIES AND ADDITIONAL BONDS.

5.01. Priority of Bond Payments. Each and all of the Parity Bonds shall be equally and ratably secured by and payable out of Pledged Gross Receipts Tax revenues without preference or priority of any Parity Bond over any other by reason of serial number or otherwise, provided that if at any time the collections of the Pledged Gross Receipts Tax are insufficient to pay principal and interest then due on all Parity Bonds, any and all moneys then on hand shall be first used to pay the interest accrued on all outstanding Parity Bonds, and the balance shall be applied toward payment of the maturing principal of Parity Bonds in order of their maturities, the earliest maturing Parity Bonds to be paid first, and pro-rata in payment of Parity Bonds maturing on the same date.

5.02. Refunding Revenue Bonds. The City reserves the right and privilege of refunding any or all of the Parity Bonds, but only subject to the following terms and conditions:

(a) Any matured Parity Bonds may be refunded if moneys available for the payment thereof at maturity, within the limitation prescribed in Section 5.01 hereof, should at any time be insufficient to make such payment in full.

(b) Any Parity Bonds may be refunded prior to maturity, as and when they become prepayable according to their terms.

(c) Provision may be made for the payment and refunding of any unmatured Parity Bonds by the deposit with a duly qualified depository bank, as escrow agent, of a sufficient amount of cash, or general obligations of the United States, or of securities whose principal and interest payments are guaranteed by the United States, to pay the principal amount of such outstanding Parity Bonds with interest to the earliest subsequent date, if any, upon which the same may be called for redemption and prepayment, and with interest to the maturity of any such Parity Bonds which are not subsequently prepayable.

(d) Any refunding revenue bonds issued for the above purposes may be made payable from the collections of Pledged Gross Receipts Tax on a parity as to interest with all then outstanding Parity Bonds, provided that (1) no bondholder shall be required to accept a refunding revenue bond in exchange for any Bond owned by such holder and (2) maximum annual debt service on the refunding bonds is not more than 125% of the maximum annual debt service on the Parity Bonds being refunded.

5.03. Other Parity Bonds. In addition to refunding bonds authorized by Section 5.02(d), the City reserves the right to issue Additional Bonds, payable from the Bond Account, on a parity as to both principal and interest with the Parity Bonds, if (i) no default has occurred and is continuing under this Resolution, and (ii) the collections of the Pledged Gross Receipts Tax for each of the two full fiscal years of the City immediately preceding the date of issue of the Additional Bonds were at least 200% of the maximum annual debt service in any future fiscal year, on all then outstanding Parity Bonds and on the Additional Bonds proposed to be issued.

In no event shall any Additional Bonds be issued and made payable from the Bond Account if the City is then in default in any payment of principal or interest deficiency in the balances required by this Resolution to be maintained in any of the funds described in this Resolution.

5.04. Subordinate Lien Bonds; No Senior Bonds. Notwithstanding the above provisions of this Section 5, nothing contained in this Resolution or in the Bonds shall be construed to preclude the City from issuing bonds or other obligations ("Subordinate Bonds") secured by a pledge of Pledged Gross Receipts Tax if (a) their lien on the Pledged Gross Receipts Tax is made expressly subordinate to the pledge thereof to all Parity Bonds, (b) no default has occurred and is continuing under this Resolution and (c) the collections of the Pledged Gross Receipts Tax for each of the two full fiscal years of the City immediately preceding the date of issue of the Subordinate Bonds were at least 200% of the maximum annual debt service in any future fiscal year, on all then outstanding Parity Bonds and on the Subordinate Bonds proposed to be issued. Nothing in this Resolution shall be construed so as to permit the City to issue bonds payable from the Pledged Gross Receipts Tax revenues having a lien thereon prior and superior to the Parity Bonds herein authorized to be issued.

SECTION 6. COVENANTS OF THE CITY.

The City hereby covenants with each and every Owner of the Bonds that so long as any Bonds remain Outstanding and unpaid:

(a) The City will administer, enforce and collect, or cause to be administered, enforced and collected, the Gross Receipts Tax and shall take all reasonable action necessary to collect delinquent payments or to cause delinquent payments to be collected in accordance with law.

(b) The City will keep or cause to be kept books and records showing the proceeds of the Gross Receipts Tax, in which complete entries shall be made in accordance with standard principles of accounting, and any owner of any of the Bonds shall have the right at all reasonable times to inspect such books and records.

(c) The City shall continue to impose and collect the Gross Receipts Tax on the value of goods and services subject to such tax, and the City shall not exempt any item or transaction from the Gross Receipts Tax which is subject to the Gross Receipts Tax on the date of adoption of this amending Resolution.

(d) The City shall, to the extent permitted by law, defend the validity and legality of the Gross Receipts Tax and the Resolution, and all amendments thereto, against all claims, suits and proceedings which would diminish or impair the Gross Receipts Tax as security for the Bonds.

(e) The City, acting by and through its officers, or otherwise, shall faithfully and punctually perform, or cause to be performed, all duties with respect to the Gross Receipts Tax required by the Constitution and laws of the State and the various ordinances, resolutions and contracts of the City, including, without limitation, the proper segregation of the proceeds of the Bonds and the Gross Receipts Tax and their application from time to time to the respective funds and subaccounts provided therefor.

(f) At any and all times the City shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Gross Receipts Tax and other funds and accounts hereby pledged or assigned, or intended so to be, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Resolution. The City, acting by and through its officers, or otherwise, shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of

the Pledged Gross Receipts Tax and other funds and accounts pledged hereunder and all the rights and every owner of any of the Bonds against all claims and demands of all persons whomsoever.

(g) The City, its officers, agents and employees, shall not take any action in such manner or to such extent as might prejudice the security for the payment of the Bonds according to the terms thereof. No contract shall be entered into nor any other action taken by which the rights of any Registered Owner of any Bond or other security payable from the Pledged Gross Receipts Tax might be prejudicially and materially impaired or diminished.

SECTION 7. DEFEASANCE.

7.01. General. When the liability of the City on all Bonds issued under and secured by this Resolution and all interest thereon has been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the registered owners of such Bonds shall cease.

7.02. Payment. The City may discharge its liability with reference to any Bonds which are due on any date by depositing with the Registrar for such Bonds on or before the date a sum sufficient for the payment thereof in full; or if any Bond shall not be paid when due, the City may nevertheless discharge its liability with reference thereto by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

7.03. Redemption. The City may also discharge its liability with reference to any Bonds which are called for redemption on any date in accordance with their terms, by depositing with the Registrar on or before that date an amount equal to the principal, interest and redemption premium, if any, which are then due thereon, provided that notice of such redemption has been duly given as provided in this Resolution.

7.04. Escrow. The City may also at any time discharge its liability in its entirety with reference to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by calling such Bonds for redemption on the next date when they may be prepaid in accordance with their terms, by giving the notice required for such redemption or giving irrevocable instructions to the escrow agent described below to give such notice, and by depositing irrevocably in escrow, with a bank qualified by law as an escrow agent for this purpose, cash or securities which are direct non-callable obligations of the United States and are authorized by law to be so deposited, bearing interest payable at such times and at such rates and maturing on such dates as shall be required, without reinvestment, to provide funds sufficient to pay all principal, interest and redemption premiums, if any, to become due on such Bonds on or before said redemption date.

SECTION 8. TAX MATTERS.

8.01. General Covenant. The City covenants and agrees with the registered owners from time to time of the Bonds that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Bonds to become includable in gross income for federal income tax purposes under the Code and applicable Treasury Regulations (the "Regulations"), and covenants to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income for federal income tax purposes under the Code and the Regulations. The City shall not enter into any lease, management contract, operating agreement, use agreement or any other contract relating to the use or operation of the facilities refinanced with the Bonds, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code").

8.02. Certification. The Mayor and the Finance Director, being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution are hereby authorized and directed to execute and deliver to the Purchaser thereof a certificate in accordance with the provisions of Section 148 of the Code, and Section I. I 48-2(b) of the Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will be used in a manner that would not cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

8.03. Arbitrage Rebate. The City acknowledges that the Bonds may be subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

8.04. Not Bank Qualified. The Bonds will not be designated as "qualified tax exempt obligations" for purposes of Section 265(b)(3) of the Code.

SECTION 9. EFFECTIVE DATE; REPEALS.

This Resolution shall become effective twenty days following publication and all provisions of ordinances, resolutions and other actions and proceedings of the City which are in any way inconsistent with the terms and provisions of this Resolution are repealed, amended and rescinded to the full extent necessary to give full force and effect to the provisions of this Resolution.

Dated this 1st day of February, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

Adopted: February 1, 2021.
Published: February 13, 2021.
Effective: March 5, 2021.

Exhibit A
Notice of Redemption
Gross Receipts Tax Revenue Refunding Bonds
Series 2014
Dated, as originally issued, as of March 25, 2014
City of Rapid City, South Dakota

NOTICE IS HEREBY GIVEN that the City of Rapid City, South Dakota (the "City"), has called for redemption and prepayment on June 1, 2021 (the "Redemption Date"), the outstanding term bond of the above-referenced issue maturing on June 1, 2028 and having the interest rate of 3.100% (the "Bond")*.

The Bond will be redeemed at a price of 100% of its principal amount plus accrued interest to the date of redemption. The Holder of the Bond should present it for payment to the City Finance Director

(the "Paying Agent"), at the address below, on or before the Redemption Date, when it will cease to bear interest. It is recommended that you mail your Bond by registered or certified mail to guard against loss.

City of Rapid City, South Dakota
Attn: Finance Director
300 Sixth Street
Rapid City, South Dakota 57701

Withholding of 28% of gross redemption proceeds of any payment made within the United States may be required by the Economic Growth and Tax Relief Reconciliation Act of 2001 (the "Act") unless the Paying Agent has the correct taxpayer identification number (social security number) or exemption certificate of the payee. Please furnish a properly completed form W-9 or exemption certificate or equivalent when presenting your Bond.

Dated: February 1, 2021.

BY ORDER OF THE CITY OF RAPID CITY, SOUTH DAKOTA
By: City Finance Director

*Indicates Full Call

- 17. WS012721-22: Authorize Mayor and Chief of Police to Sign the 2021 Federal Equitable Sharing Agreement
- 18. WS012721-26: Approve Request for Property Tax Abatements as Follows: City of Rapid City (Tax ID 70020), 2020, \$701.94; David Snyder (Tax ID 21873), 2020, \$1129.64; Rapid City Police Officers (Tax ID 44526), 2020, \$2,987.02; City of Rapid City (Tax ID 70021), 2020, \$14,070.96; City of Rapid City (Tax ID 28598), 2020, \$91.10; City of Rapid City (Tax ID 36523), 2020, \$4,586.88; City of Rapid City (Tax ID 39203), 2020, \$452.28; City of Rapid City (Tax ID 24964), 2020, \$584.24; Donald Back (Tax ID 46473), 2020, \$601.48; Prairie Acres (Tax ID 8002299), 2020, \$40.58; Prairie Acres (Tax ID 8010607), 2020, \$25.20; NW Engineering (Tax ID 8005859), 2020, \$47.84. [Total for City of Rapid City: \$24,614.22]
- 19. WS012721-27: Approve Resolution No. 2021-009 a Resolution Acknowledging Corrections to the January 4, 2021 Council Minutes

RESOLUTION NO. 2021-009
RESOLUTION ACKNOWLEDGING CORRECTIONS
TO THE JANUARY 4, 2021 COUNCIL MINUTES

WHEREAS, on January 4, 2021 the City Council approved item 20AN003 Approve request by Atlantis LLC for a Petition for De-Annexation for property generally described as being located at 1314 N. Elk Vale Road; and

WHEREAS, the minutes of the January 4, 2021 Council meeting were approved on January 19, 2021; and

WHEREAS, the motion approving the January 4, 2021 De-Annexation 20AN003 reads:

"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"; and

WHEREAS, the January 4, 2021 minutes reflect the correct motion but do not record the full text of Resolution 2020-079, as required in SDCL 9-19-8;

WHEREAS, Resolution No. 2020-079 should be included in the January 4, 2021 minutes as follows:

Resolution No. 2020-079
A RESOLUTION EXCLUDING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be excluded from the City; and

WHEREAS, the territory that the petitioners are seeking to have excluded is on the border of the City of Rapid City and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be excluded and thereby removed from the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 1.169, more or less, is hereby removed from the corporate limits of the City and excluded from the City:

Lot B of Lot 1 Revised of Atlantis Subdivision, located in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota

Dated this 4th day of January, 2021

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director

(seal); and

WHEREAS, Resolution No. 2020-079 was published in its entirety on January 23, 2021, in accordance with SDCL 9-19-8, and it is therefore effective on February 10, 2021, pursuant to SDCL 9-19-13.

NOW, THEREFORE BE IT RESOLVED, by the City Council, that the minutes of the January 4, 2021 Rapid City Common Council meeting shall be amended to include and record the entire text of Resolution 2020-079.

Dated this 1st day of February, 2021.

CITY OF RAPID CITY
s/ Steve Allender

Mayor

ATTEST:

s/ Pauline Sumption

Finance Director

20. WS012721-01: Request Authorization to Seek Proposals for Professional Services for Dyess Avenue Reconstruction – Seger Drive to City Limits, Project No. 20-2630 / CIP No. 51282
21. WS012721-02: Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and FMG Engineering, Inc. for Wonderland Drive Area Street and Utilities Reconstruction Phase 1, Project No. 20-2609 – CIP 51070.1
22. WS012721-03: Authorize Staff to Purchase One (1) New Current Model Year Bucket Truck Through the Versalift Sourcewell Cooperative Contract #012418-TIM with ABM Equipment in the Amount of \$97,785.00
23. WS012721-04: Authorize Mayor and Finance Officer to Sign Agreement Between the City of Rapid City and Frank P. Boyle for Temporary Construction Easements and Permanent Sanitary Sewer Main Easements for Property Located at 3637 Edwards Street for the Elk Vale Lift Station Gravity Main and Force Main Project, Project No. 18-2480 / CIP No. 50729, in the Amount of \$40,400.00
24. WS012721-05: Approve Request from Stephen and Sharon Richards for a Variance to Waive the Requirement to Install Sidewalk Along Pine Hills Drive and Sturgis Road, Rapid City, per City Ordinance 12.08.060
25. WS012721-06: Authorize Mayor and Finance Director to Sign a Joint Funding Agreement Between U.S. Department of Interior, U.S. Geological Survey and City of Rapid City for 2021 Water Resource Investigations, CIP No. 51279. The City of Rapid City's Share of the Program is \$138,000.00
26. WS012721-07: Approve Request from R.C.S. Construction, Inc. for a Variance to Waive the Requirement to Install Sidewalk Along Commerce Road and Fountain Plaza Drive, Rapid City, per City Ordinance 12.08.060
27. WS012721-08: Request Authorization for Staff to Seek Proposals for Engineering Services for Race Track Draw Drainage Basin Design Plan (DBDP) Update, Project No. 20-2628, CIP No. 51315
28. WS012721-13: Authorize Staff to Advertise Bids for St. Cloud Street Reconstruction Project – 5th St. to Highland Crt, Project No. 19-2487 / CIP No. 51036. Estimated Cost \$2,640,000.
29. WS012721-14: Approve Request from KTM Design Solutions, Inc. on behalf of Western Housing Enterprises, LLC for a Variance to Waive the Requirement to Install Sidewalk along 1804 East Highway 44, Rapid City, per City Ordinance 12.08.060
30. WS012721-18: Authorize Staff to Advertise for Bids Downtown Lighting Project Phase 3 CIP #51228 Engineers Estimate \$400,000
32. WS012721-28: Approve 2021 Insurance Renewal Amounts for Property, Liability, and Excess Worker's Compensation
33. WS012721-19: Confirm the Reappointments of Nick Patton and Rick Denherder to the Downtown BID Board
34. WS012721-25: Confirm the Appointment of Shawna Retka to the Community Investment Committee

CIP Committee Consent Items

35. No. CIP011521-00 – Acknowledge Capital Improvement Programs Committee Monthly Updates for January 2021.
36. No. CIP011521-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
37. No. CIP011521-04 – Approve Capital Plan for Fire Vehicles
38. No. CIP011521-05 – Approve Capital Plan for Parks & Recreation
39. No. CIP011521-06 – Approve Capital Plan for Information Technology

- 40. No. CIP011521-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
- 41. No. CIP011521-02 – Approve Capital Plan for PW Infrastructure

Community Development Consent Items

- 42. WS012721-24: Approve Final Recommendation for the FY20 Community Development Block Grant CV3 Funds

Bid Award Consent Items

- 43. CC020121-04.1 - Approve award of total bid for 12th Street Reconstruction, West Main St. to Fulton St., Project No. 19-2499 / CIP No. 50927 opened on January 26, 2021 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$6,488,393.40.

END OF CONSENT ITEMS

Mayor Allender read in item (WS012721-10) Acknowledge November 2020 Sales Tax Report. Sumption gave an update at Drew's request. There is a 3.08% sales tax increase for the first 11 months of 2020 over the same 11 months of 2019. Last March they projected up to a 12.5% decrease in sales tax, so the increase was a good surprise. The State does not provide the source of the sales tax, but is a reflection of current construction projects and development. Motion was made by Lehmann, second by Strommen and carried to acknowledge report.

Mayor Allender read in item (WS012721-21) Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Skyline Engineering, LLC for Construction Administration for the Downtown Lighting, Project No. 20-1613 / CIP No. 51228, in the amount of \$112,705.00. Evans expressed concerns for the equipment being obsolete and should be using smart controlled lighting and Rapid City should move toward a dark skies environment. Drew agreed and said more research should be done for sustainability too. Motion was made by Lehmann, second by Salamun to approve. Roll call vote: AYE: Lehmann, Salamun, Nordstrom, Weifenbach, Armstrong, and Roberts. NO: Jones, Evans, Drew and Strommen. Motion passed 6-4.

NON-CONSENT ITEMS – Items 44 - 54

Open Public Comment

Alan Glover, Julie Swan, Mark Johnsen, and Mary Jackson spoke in opposition to Item #45 (20RZ041). Annie Loyd. Chuck Henrie and Kyle Trelor from Dream Design spoke in favor of item 45 (20RZ041).

Ordinances

Mayor Allender read in item (No. 20RZ039) Approve First Reading, Ordinance 6457, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Dakota Heartland, Inc. for a Rezoning from General Commercial District to Office Commercial District for property generally described as being located at 411 and 425 Neel Street. . Motion was made by Jones, second by Strommen and carried to approve Ordinance 6457 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, February 16, 2021.

Mayor Allender read in item (No. 20RZ041) Approve First Reading, Ordinance 6459, 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, LLC for a Rezoning from General Commercial District to Medium Density Residential District for property generally described as being located at 2016 and 2030 Provider Boulevard. Evans spoke against this item and Salamun, Roberts, Nordstrom, and Drew spoke in support of the rezone, some asked questions of Fisher and Trelor. Weifenbach requested a meeting with the residents, the developer and City Planners before the next Council meeting. Armstrong inquired about safety. Chief Hedrick and Chief Culberson said this development is well within their response areas, but

as the City continues to grow, they will need more resources. Jones spoke about the speed and concern of extra traffic on South Valley Drive, and requested this be made part of the motion. Fisher stated that by state law, you cannot approve a rezone with stipulations or conditions, but this is in conjunction with a planned development which you can add a stipulation to and is on the agenda for the next meeting. Motion to approve in conjunction with a planned development was made by Nordstrom, second by Lehmann and carried to approve 9-1, with Evans voting No. Ordinance 6459 be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, February 16, 2021.

Mayor Allender read in item (No. 20RZ043) Approve First Reading, Ordinance 6460, 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, LLC for a Rezoning from General Agricultural District to Low Density Residential District II for property generally described as being located south and east of the intersection of North Valley Drive and East Philadelphia Drive. Motion was made by Jones, second by Drew and carried to approve Ordinance 6460 and be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, February 16, 2021.

Mayor Allender read in item (No. 20RZ044) Approve First Reading, Ordinance 6461, 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 from General Agricultural District to Light Industrial District for property generally described as being located on North Valley Drive. Motion was made by Drew, second by Nordstrom and carried to approve Ordinance 6461 and be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, February 16, 2021.

Mayor Allender read in item (No. 20RZ045) Approve First Reading, Ordinance 6462, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for ZCO, Inc. for a Rezoning from General Agricultural District to Light Industrial District for property generally described being located southeast of the intersection of Marlin Drive and Creek Drive. Motion was made by Drew, second by Nordstrom and carried to approve Ordinance 6462 and be placed upon its first reading and the title was fully and distinctly read and second reading set for Tuesday, February 16, 2021.

Working Session Committee Items

Mayor Allender read in item (WS012721-29): Provide Direction to Staff on Ordinances 13.08.390.A and 13.08.430.02. Motion was made by Lehmann, second by Armstrong to make no changes and return the ordinance to what it was before. Landeen explained that this could not happen overnight, an ordinance amendment would need to be written and approved at two Council meetings. Until that time, Public Works will need to follow the current ordinance. Nordstrom would like more discussion before the ordinance is amended. Drew inquired if landlords were part of the discussions prior to the ordinance being passed, Tech said they were not as they do not know who the landlords are because ownership is not checked when people open accounts. Owner versus tenant is hard to verify unless they provide that information when establishing their account. Drew would like a meeting between City staff and some of the landlords and property management firms to reach a solution. Substitute motion was made by Weifenbach to suspend the current ordinance. Landeen said that would not be a popular idea without further research. Substitute motion failed due to no second. Tech stated that staff is required to follow the ordinance and they will until the ordinance is amended. Tech explained that at the next work session they will present 13.08.390 and 13.08.430.02 with the words "must be in the owner's name" removed and in the future, when the software issues are addressed, they will bring forward a policy change or new ordinance. Motion carried 10-0 to return the ordinance to what it was before.

Community Development Items

Mayor Allender read in item (No. 20PL097) A request by Renner Associates, LLC for a Preliminary Subdivision Plan for proposed Lots 1 thru 8 of Block 6 of Kateland Subdivision, generally described as being located northwest of the intersection of Brooke Street and Country Road. Motion was made by

Drew, second by Lehmann and carried 9-0 with Roberts abstaining, to approve with the following stipulations: 1. Prior to submittal of the a Development Engineering Plan application, the Master Plan shall be revised showing the future location of Country Road as it intersects with the adjacent property (E1/2SE1/4 less Auburn Hills Subdivision and less ROW) in the same location as currently shown on the adopted Major Street Plan or the applicant shall submit written documentation from the adjacent property owner (Doeck LLC) indicating concurrence with the revised street location or a Comprehensive Plan Amendment to the Major Street Plan shall be obtained to relocate the street as proposed; 2. Upon submittal of a Development Engineering Plan application, construction plans for Brooke Street shall be submitted for review and approval showing the street located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans for Country Road shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. Easements and conveyances shall be secured as needed for the proposed development. In addition, upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. Major Drainage Easements shall also be dedicated for any proposed drainage improvements; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support all platted development in the area; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed. 7. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 8. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 9. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 10. Prior to submittal of a Final Plat application, the plat document shall show the vacated section line highway located between Sections 13 and 14, T2N, R7E; 11. Prior to submittal of a Final Plat application, the plat document shall be revised to show "Country Road" as "Country Road W."; 12. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 13. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor Allender read in item (No. 20PL103) A request by Renner Associates, LLC for Bill Freytag for a Preliminary Subdivision Plan for proposed Tract 1 and 2 of Rockinon Ranch Estates, generally described

as being located at 1221 Santana Court. Motion was made by Salamun, second by Lehmann and carried 9-0 with Weifenbach abstaining, to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval showing a permanent turnaround at the western terminus of Santana Court. The turnaround shall be located within right-of-way and shall be constructed pursuant to Section 2.13 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans for the proposed 49-foot wide access and utility easement shall be submitted for review and approval pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual for a lane place street or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted for review and approval show a manhole in lieu of a cleanout at the western terminus of Santana Court or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 6. Prior to approval of the Development Engineering Plan application, engineering design reports (in part to include water, sewer, drainage, and pavement) required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 7. Prior to submittal of a Final Plat application, the plat document shall be revised to show the proposed access and utility easement as a "private" access and utility easement; 8. Prior to submittal of a Final Plat application, the plat document shall be revised to show Tract 1 and Tract 2 abutting a public right-of-way (street) a minimum distance of 25 feet each pursuant to Chapter 17.10.050.E of the Rapid City Municipal Code or a Zoning Exception shall be obtained to reduce the distance to 24.5 feet as currently shown; 9. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 10. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor Allender read in item (No. 20PL104) A request by KTM Design Solutions, Inc. for ZCO, Inc. for a Preliminary Subdivision Plan for proposed Lot 17A of Marlin Industrial Park, generally described as being located southeast of the intersection of Marlin Drive and Creek Drive. Motion was made by Drew, second by Jones and carried to approve with the following stipulations: 1. Upon submittal of a Final Plat application, the plat document shall show the dedication of 4.5 feet of additional right-of-way along Marlin Drive with an additional 5 feet of right-of-way the first 200 feet as the street extends east from Creek Drive or shall meet criteria for obtaining an Exception to waive the requirement. If an Exception is obtained, a copy of the approved document shall be submitted with the Final Plat application.

Bid Awards

Mayor Allender read in item (CC011921-04.2) Approve bid award for (1) One New Current Model Year Tandem Axle Dump Truck with Anti-Icing System & Valved for Future Plow to Floyd's Truck Center with Northern Truck in the amount of \$166,700.00 after trade. Motion was made by Armstrong, second by Jones and carried to approve 10-0.

Mayor Allender read in item (CC011921-04.3) Approve bid award for (1) One New Current Model Year Single Axle 4X4 Sander Truck with Pre-wet system and V-plow from Floyd's Truck Center with Northern

Truck in the amount of \$178,311.00 after trade. Motion was made by Armstrong, second by Salamun and carried to approve 10-0

PUBLIC HEARING ITEMS – Items 55 – 57

CONSENT PUBLIC HEARING ITEMS – Items 55 – 57

Alcohol Licenses

- 55. Naja Shrine Temple for a SPECIAL EVENT On-Sale Dealer License for an event scheduled for March 20, 2021 at the Rapid City Shrine Center, 4091 Sturgis Road
- 56. Last Mile Brewery LLC DBA Last Mile Brewery, 635 Creek Drive, Unit C, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License
- 57. Nancy Nguyen DBA The Nail Bar, 705 Mountain View Suite F, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License

Motion was made by Jones, second by Roberts to approve items 55-57. Motion carried 10-0.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – (NONE)

EXECUTIVE SESSION

At 9:24 p.m. a motion was made by Armstrong, second by Drew and carried to go into executive session to discuss the qualifications, competence, performance, character, or fitness of a public officer pursuant to SDCL 1-25-2(1).

STAFF DIRECTION

At 10:29 p.m., motion was made by Jones, second by Roberts and carried to come out of executive session. All members were present. Motion was made by Lehmann, second by Evans and carried to dismiss all complaints against Laura Armstrong. Motion carried 10-0.

BILLS

The following bills have been audited:

BILL LIST - FEBRUARY 1, 2021

P/ROLL PERIOD END 01/16/21, PD 01/22/21	1,856,431.44
CDEV P/ROLL PERIOD END 01/16/21, PD 01/22/21	2,381.85
PIONEER BANK & TRUST, 01/16/21 P/ROLL TAXES, PD 01/22/21	508,869.34
CDEV PIONEER BANK & TRUST, 01/16/21 P/ROLL TAXES, PD 01/22/21	553.82
SOUTH DAKOTA DEPARTMENT OF REVENUE, DEC20 SALES TAX PAYABLE, PD 01/25/21	45,081.48
SOUTH DAKOTA DEPARTMENT OF REVENUE, DEC20 EXCISE TAX PAYABLE, PD 01/25/21	497.43
SOUTH DAKOTA DEPT OF REVENUE, DEC20 CCTR SALES TAX PAYABLE, PD 01/25/21	9,013.40
WELLMARK INC, HEALTH CLAIMS THROUGH 01/15/21, PD 01/21/21	215,224.67
WELLMARK INC, HEALTH CLAIMS THROUGH 01/22/21, PD 01/28/21	331,424.07
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 01/19/21, PD 01/20/21	10,990.38
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 01/25/21, PD 01/26/21	7,256.20
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 01/20/21, PD 01/21/21	6,081.07
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 01/27/21, PD 01/28/21	12,586.95
BANK WEST, TID54 RAINBOW RIDGE, PD 01/22/21	5,546.65
BANK WEST, TID56 RUSHMORE CROSSING, PD 01/22/21	15,722.13
BANK WEST, TID65 MINNESOTA ST, PD 01/22/21	6,045.01

BANK WEST, TID70 CATRON BLVD, PD 01/22/21	60,820.89
CITY OF RAPID CITY, TID64 CABELA'S, PD 01/22/21	55,797.41
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV, PD 01/22/21	8,739.99
BLACK HILLS ENERGY, ELECTRICITY, PD 01/26/21	108,521.50
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 01/26/21	61,583.23
COMPUTER BILL LIST	8,775,099.70
CDEV COMPUTER BILL LIST	63.95
SUBTOTAL	12,104,332.56
RSVP, P/ROLL PERIOD END 01/16/21, PD 01/22/21	2,655.71
RSVP, PIONEER BANK & TRUST, 01/16/21 P/ROLL TAXES, PD 01/22/21	611.06
RSVP, COMPUTER BILL LIST	1,388.03
TOTAL	12,108,987.36

Sumption stated there were additions to the bill list for 2021 insurance renewals. Black Hills Insurance, Premiums \$1,184,898.00; City Liability Insurance \$236,753.50; IIARC Workers Compensation \$508,604.00; IIARC Airport General Liability \$31,482.00; IIARC Worker's Compensation, CDBG \$263.00; Black Hills Insurance, RSVP Premiums \$269.00; City Liability Insurance, RSVP \$134.50 and IIARC Worker's Compensation, RSVP \$23.00 for a new total of \$14,071,414.36. Motion was made by Salamun, second by Strommen and carried to authorize (No. CC020121-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Jones, second by Lehmann and carried to adjourn the meeting at 10:32 p.m.

Dated this 1st day of February, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: