

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
March 15, 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, March 15, 2021 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, Lance Lehmann, Jason Salamun, John Roberts, 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, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Finance Director Pauline Sumption, Planning Manager Vicki Fisher, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Drew, second by Armstrong and carried 10-0 to adopt the agenda.

PRESENTATION -- National League of Cities Presentation was given by Ritchie Nordstrom. He attended this last November. In response to Drew, he indicated there are many other classes being offered online for any of them to take.

GENERAL PUBLIC COMMENT

Chuck Henrie encourages citizens to wear their mask at city hall. He also stated that some of the sidewalks need to be cleared off when it snows so the handicap can get around and don't get hurt. Scott McGinley said many people appreciate the no mask mandate. He commented on the home rule and said he's not really familiar but if our government works now, there is no reason to change it. Connie Fenega asked Nordstrom what REAL stands for. Nordstrom said race, equality and leadership.

NON-PUBLIC HEARING ITEMS -- Items 1 – 44

Chuck Henrie spoke on item (CC031521-04.2) and asked if the handicap buttons on the traffic lights are going to be activated. He indicated some are not working on some of the lights.

CONSENT ITEMS – Items 1 – 36

The following items were removed from the Consent Items:

5. WS031021-07: Approve FY2021 Rapid City Arts Council Funding Recommendations for Community Investments (Arts & Humanities)
20. WS031021-21: Resolution No. 2021-019 A Resolution Supporting A Solid Waste Management Grant For Cell 18 Berm Improvements And Litter Control Netting Atop Of Proposed Berm

Approve Minutes

1. Approve Minutes for the March 1, 2021 Regular Council meeting.

Working Session Committee Consent Items

2. WS031021-05: Approve Adding Midco Service to Fire Station 2
3. WS031021-06: Authorize Staff to Advertise for Roosevelt Pool Refinishing, Project PR21-6182 for \$125,000.00.

4. Acknowledge the Following Volunteers for Worker's Compensation Purposes: RSVP Volunteers – Brandon Bennett; Ray Block; Bradley "Jake" Gigliotti; Rose Goodro; Dennis Learned; Lori Learned; Michael Reimer
6. WS031021-08: Acknowledge January 2021 General Fund Cash Balance Report
7. WS031021-09: Approve Resolution No. 2021-0020 A Resolution Amending Resolution 2021-008 Relating to Gross Receipts Revenue Refunding Bonds, Series 2021; Authorizing the Sale by Private Placement

RESOLUTION NO. 2021-020

RESOLUTION AMENDING THE RESOLUTION 2021-008 RELATING TO GROSS RECEIPTS REVENUE REFUNDING BONDS, SERIES 2021; AUTHORIZING THE SALE BY PRIVATE PLACEMENT

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

SECTION 1. RECITALS AND AUTHORIZATION.

(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, the Board Governance Provisions, and a Resolution adopted on February 2, 2021 (the “Original Resolution”), the City 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).

(I) Pursuant to Sections 1.02, 1.03, and 1.04 of the Original Resolution, the Bonds were authorized to be sold to Colliers Securities (the “Underwriter”), and the Mayor, Finance Director and the City Attorney were authorized, in cooperation with the Underwriter, to execute certain documents and prepare an Official Statement to be distributed to prospective purchasers of the Bonds.

(J) The City desires to amend the Original Resolution administratively to provide for the Bonds to be sold either publicly or in a private placement and issued on either a taxable or tax-exempt basis.

(K) The Bonds have not yet been issued.

SECTION 2. AMENDMENTS.

2.01. Amendments. Underlining in the text indicates additions to sections in the Original Resolution. Strike through indicates deletions to the present sections in the Original Resolution.

2.02. Amendment of Section 1.02. Section 1.02 of the Original Resolution is hereby amended as follows:

“The Bonds authorized hereby may be taxable or tax-exempt and shall be sold to or placed by Colliers Securities with U.S. Bank National Association or such other entity as the City shall select (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 purchase agreement, loan agreement, placement agreement or such other document setting forth such final terms or any similar document, including any offering document with respect to the issuance of the Bonds the “Placement Documents”) 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 Placement Documents 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.”

2.03. Amendment of Section 1.03. Sections 1.03 of the Original Resolution is hereby amended as follows:

“The Mayor, Finance Director and City Attorney are hereby authorized and directed to execute and deliver the Placement Documents and the documents required thereunder, 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.”

2.04. Amendment of Section 1.04. Section 1.04 of the Original Resolution is hereby amended as follows:

“Official Statement. If necessary to sell the Bonds, the Mayor, Finance Director and the City Attorney are authorized, in cooperation with Colliers Securities, 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.

2.05. Replacement of “final Official Statement” with “Placement Documents”. References to the “final Official Statement” in Sections 2.02, 2.03, and 2.04 of the Original Resolution shall be replaced with “Placement Documents.”

SECTION 3. TAX-EXEMPT PROVISIONS INAPPLICABLE IF BONDS TAXABLE. If the Bonds are issued as taxable Bonds, the provisions in Section 8 of the Original Resolution shall be inapplicable.

SECTION 4. INCORPORATION OF ORIGINAL RESOLUTION. The Original Resolution, as amended by this resolution (this “Amending Resolution”), is hereby confirmed and incorporated herein by reference. The Original Resolution shall continue in full force and effect except as otherwise provided herein.

SECTION 5. SEVERABILITY. That the provisions of this Amending Resolution are declared to be separable, and if any section, phrase or provisions shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

8. WS031021-10: Resolution No. 2021-011 – Resolution Levying Assessment for Abatement of Nuisances

RESOLUTION NO. 2021-011
 RESOLUTION LEVYING ASSESSMENTS FOR
 ABATEMENT OF NUISANCES

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the condition of your property had constituted a nuisance. The City abated this nuisance. The cost of the abatement, including administrative costs, is the amount stated in the proposed Assessment Roll for Abatement of Nuisances.

2. The Assessment Roll for Abatement of Nuisances is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.

3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer, shall be certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer’s Office with the statutory interest rate.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Director
 (SEAL)

	CUSTOMER NAME	ID#	Clean-up Address	Mailing Address	Legal Description	TOTAL AMOUNT DUE
1	WEAVER, CHRISTOPHER	25246	247 Mac Arthur St	PO Box 32, Nisland, SD 57762	Lot 1, Block 108, Mahoney Add	\$1,187.00
2	Rohrer, David & Brenda	6185	2805 Cactus Drive	2805 Cactus Drive, Rapid City, SD 57701	Lot 18, Melody Acres #2	\$592.00
3	Habben, Thomas & Vesta	31721	213 St Francis St	213 St Francis St, Rapid City, SD 57701	Lot 7-8, Block 10, South Boulevard Add	\$977.00

9. WS031021-11: Resolution 2021-017: Resolution Declaring Miscellaneous Personal Property Surplus to be 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:
Qty 16 – Motorola Portable Radios

Radio ID	SN#	Radio Model
• 19319	407CKT6293	MOTOROLA XTS2500
• 19338	407CKT6312	MOTOROLA XTS2500
• 20095	407CKT6273	MOTOROLA XTS2500
• 19365	407CKT6422	MOTOROLA XTS2500
• 20080	407CKT6258	MOTOROLA XTS2500
• 19322	407CKT6296	MOTOROLA XTS2500
• 20070	407CKT6248	MOTOROLA XTS2500
• 7678	407CQB0112	MOTOROLA XTS2500
• 19325	407CKT6299	MOTOROLA XTS2500
• 19334	407CKT6308	MOTOROLA XTS2500
• 20077	407CKT6255	MOTOROLA XTS2500
• 20068	407CKT6246	MOTOROLA XTS2500
• 19598	407CKT6438	MOTOROLA XTS2500
• 19293	407CKT6326	MOTOROLA XTS2500
• 20085	407CKT6263	MOTOROLA XTS2500
• 5215	53176F511A15359	EFJ 5300

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

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

- 10. WS031021-12: Authorize Staff to Purchase a 2021 Jeep Grand Cherokee from Liberty Chrysler Center in the amount of \$26,336 off of state contract #17345.
- 11. WS031021-13: Resolution No 2021-018 Repealing Utility Construction Fees for Nonconforming Services Lines by Repealing Resolutions Nos. 2010-106, 2010-164, 2011-001, 2012-132, 2013-031, 2014-086, and 2014-087.

Resolution No. 2021-018
A RESOLUTION REPEALING UTILITY CONSTRUCTION FEES

FOR NONCONFORMING SERVICE LINES BY REPEALING
RESOLUTION NOS. 2010-106, 2010-164, 2011-001, 2012-132, 2013-031, 2014-086, AND 2014-087

WHEREAS, the City is authorized by state law and City ordinance to impose construction fees on properties seeking to connect to sanitary sewer and water utilities to recoup costs for construction and maintenance of those utilities; and

WHEREAS, in the past, the City has imposed some construction fees on properties which were already connected to City water/sewer through nonconforming service lines; and

WHEREAS, for these properties, payment of the construction fee would be due when the property reconnects to the utility through a new conforming utility service; and

WHEREAS, prior to 2015, R.C.M.C. Chapter 13.12 required properties with non-conforming water and sewer services to pay a portion of costs to reconstruct the public mains and bring the properties into conformance with City codes; and

WHEREAS, in 2015 the City amended R.C.M.C. Chapter 13.12 to eliminate this financial responsibility, on the basis that the properties had been connected to public water and/or sewer mains and had contributed to the water and/or sewer enterprise funds, and that the rate payers should therefore pay for reconstruction of these public mains; and

WHEREAS, properties which must pay a construction fee as part of replacing a nonconforming service line with a conforming service line are discouraged from bringing the property into compliance, which results in delays in constructing legal conforming service; and

WHEREAS, the City now wishes to repeal the construction fees imposed in these resolutions which concern properties that were already connected to City water/sewer through a nonconforming service to allow properties that are already connected to City utilities to construct a conforming service without having to pay a construction fee; and

WHEREAS, the City believes it to be in the best interests of the public health, safety, and welfare of its citizens to repeal the construction fee resolutions listed below.

NOW, THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following resolutions are repealed in their entirety:

1. Resolution #2010-106 Construction Fee Resolution for 6th Street Water Main Project No. W08-1742, attached as Exhibit A.
2. Resolution #2010-164 Construction Fee Resolution for 9th Street Water Main Project No. W10-1885, attached as Exhibit B.
3. Resolution #2011-001 Construction Fee Resolution for Tomahawk Drive Sanitary Sewer Extension Project SS10-1905, attached as Exhibit C.
4. Resolution No. 2012-132 Construction Fee Resolution for 12th Street Alley Sanitary Sewer Extension Project SS11-1937, attached as Exhibit D.
5. Resolution No. 2013-031 Construction Fee Resolution for Fulton Street Sewer and Water Extension Project 12-2000 Non-Conforming Sanitary Sewer, attached as Exhibit E.

- 6. Resolution 2014-086 Construction Fee Resolution for Fulton Street Sewer and Water Extension Project 12-2000 Non-Conforming Water, attached as Exhibit F.
- 7. Resolution 2014-087 Construction Fee Resolution for Fulton Street Sewer and Water Extension Project 12-2000 Non-Conforming Water, attached as Exhibit G.

BE IT FURTHER RESOLVED that City staff are authorized to take all administrative actions necessary to effectuate this Council action.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

- 12. WS031021-14: Authorize Mayor and Finance Director to sign Reservoir Tender Salary Agreement Between the City of Rapid City and Richard Arnaiz.
- 13. WS031021-15: Authorize Mayor and Finance Officer to sign Amendment No. 3 to the Agreement between the City of Rapid City and Black & Veatch Corporation for Master Planning Professional Services for the Water Utility System Master Plan Update / Model Recalibration, Project No 14-2141 / CIP 50817, for the Feasibility Study for Tax Increment District #84 Booster Pump Station.
- 14. WS031021-16: Approve and Authorize Mayor and Finance Director to sign Amendment Number 1 with Dakota Pump Inc. (DPI) for the addition of time delays for Supervisory Control and Data Acquisition (SCADA) Professional Services and Equipment Installation for the Northridge Booster Pump Station and Stoney Creek Booster Pump Station Improvements Project No. 14-2178/CIP 50812.CD, in the amount of \$1,476.00.
- 15. WS031021-17: Authorize Mayor and Finance Director to sign Agreement Between the City of Rapid City and By-Pass Development, LLC for Temporary Construction Easements and Permanent Sanitary Sewer Main Easements for the Elk Vale Lift Station Gravity Main and Force Main Project, Project No. 18-2480 / CIP No. 50729, in the amount of \$136,160.00.
- 16. WS031021-18: Authorize Staff to Advertise Bids for Elk Vale Lift Station Gravity Main & Force Main Upgrades, Project No. 18-2480 / CIP No. 50729. Estimated Cost \$7,000,000.00.
- 17. WS031021-19: Authorize Staff to Advertise Bids for Pavement Rehabilitation Project – Cleveland & Oakland, Project No. 20-2622 / CIP No. 50549. Estimated Cost \$350,000.00.
- 18. WS031021-20: Authorize Mayor and Finance Director to Sign an Agreement between the City of Rapid and Skyline Engineering, LLC for Design and Bidding for Downtown Lighting Phase 4, Project No. 21-2637 / CIP No. 51228, in the amount of \$100,297.00.
- 19. WS031021-35: Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and FMG Engineering, Inc. for RC Landfill Cell #18 Debris Fencing & Phase 2 Berm, Project No. 21-2641 / CIP 51202.1. In the amount of \$95,675.50

21. WS031021-22: Authorize Staff to seek proposals for engineering services for the Springbrook Acres Water Main and PRV Abandonment, Project Number 21-2643/CIP Number 51262
22. WS031021-23: Authorize Mayor and Finance Director to sign amendment #1 to the Professional Services Agreement with HDR Engineering, Inc. for the Emergency Response Plan (ERP) component of the Water Risk and Resilience Assessment; Project No. 20-2575; CIP No. 51269. Estimated Cost: \$42,390.00
23. WS031021-24: Approve updated request to purchase one (1) New 2021 Ford F150 Super cab, 4X4, pickup truck through the Sourcewell Cooperative Contract #120716-NAF with National Auto Fleet Group in the amount of \$29,961.24.
24. WS031021-25: Authorize staff to purchase two (2) new desks from Evergreen Office products on state contract pricing Contract # 16773 3 IFB 22 for a total of \$3,353.60
25. WS031021-30: Authorize Mayor and Finance Officer to Sign Developer Agreement for TID 84
26. WS031021-34: Authorize the Mayor and Finance Officer to Sign Assignment Agreement with Black Hills Community Bank and Yasmeen Dream, LLC for Tax Increment District 84
27. WS031021-31: Confirm the reappointments of Bob Brandt and Michele Seaman to the Building Board of Appeals.
28. WS031021-32: Confirm the appointments of Kayla Pritchard, Micah Lande, and Vicki Cortez to the MARC Board, also known as the Journey Museum Board of Directors.
29. WS031021-33: Confirm the appointments of Jessica Ries and Keryn Rowland to the Parks & Recreation Advisory Board.

Community Development Consent Items

30. WS031021-27: Authorized the Mayor and Finance Director to sign the FY20 CDBG-CV3 Community Development Block Grant Contract for Wellspring, Inc.
31. WS031021-28: Approval of Preliminary FY21 Community Development Block Grant (CDBG) Annual Action Plan
32. WS031021-29: Authorized the Mayor and Finance Director to sign the FY20 CDBG-CV3 Community Development Block Grant Contract for Youth and Family Services, Inc
33. WS031021-36: Final Approval of FY20 Annual Action Plan Second Substantial Amendment

Bid Award Consent Items

34. CC031521-04.1 Approve award of total bid for Regency Court Storm Sewer Improvement, Project No. 20-2599 / CIP No. 51301 opened on March 9, 2021 to the lowest responsible bidder, RCS Construction, Inc. in the amount of \$400,292.83.
35. CC031521-04.2 Approve award of total bid for 2020 ADA Project, Project No. 20-2602 / CIP No. 50761 opened on March 9, 2021 to the lowest responsible bidder, Tru-Form Construction, Inc. in the amount of \$72,443.20.
36. CC031521-04.3 Approve award of total bid for Pavement Rehabilitation Project – Forest Ct., Project No. 20-2624 / CIP No. 50844 opened on March 9, 2021 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$164,448.00.

END OF CONSENT ITEMS

Mayor Allender read in item (WS031021-07) Approve FY2021 Rapid City Arts Council Funding Recommendations for Community Investments (Arts & Humanities). Drew was happy with the allocation to RC Arts Council. Evans and Weifenbach commented on the benefits of different art programs in Rapid City. Motion was made by Lehmann, second by Armstrong and carried to approve 10-0.

Mayor Allender read in item (WS031021-21) Resolution No. 2021-019 A Resolution Supporting A Solid Waste Management Grant For Cell 18 Berm Improvements And Litter Control Netting Atop Of Proposed Berm. Tech indicated his office would apply for a \$100K grant to help offset costs. If the grant is not approved, the money is still available in the budget. Weifenbach and Evans are happy this is being implemented. Motion was made by Lehmann, second by Armstrong and carried to approve 10-0.

RESOLUTION 2021-019

A RESOLUTION SUPPORTING A SOLID WASTE MANAGEMENT GRANT FOR CELL 18 BERM IMPROVEMENTS AND LITTER CONTROL NETTING ATOP OF PROPOSED BERM

WHEREAS, the City of Rapid City Solid Waste Division wishes to seek funding for Cell 18 berm improvements and litter control netting atop of proposed berm necessary for operation of its Solid Waste Division; and

WHEREAS, the City of Rapid City Solid Waste Division is eligible to apply for a South Dakota Department of Environment and Natural Resources (SD DENR) Solid Waste Management Grant for funding of this project; and

WHEREAS, the City Council and Mayor support the need for this projects and support securing grant funding from SD DENR for these projects; and

WHEREAS, the Common Council adopts this Resolution to authorize Public Works staff to take any action necessary to apply for and to administer the SD DENR Grant and loan, to facilitate project reimbursement, and to effectuate grant application and reimbursement requests.

NOW, THEREFORE, BE IT RESOLVED the Common Council authorizes the Mayor and Finance Officer to take any action necessary to apply for this grant and, if awarded, to accept the SD DENR grant.

BE IT FURTHER RESOLVED that the Common Council authorizes the Director of Public Works or his designee to administer the SD DENR grant and to facilitate project reimbursement, and to otherwise act on the City's behalf to process and fulfill the terms of the SD DENR grant. Such authorization includes, but is not limited to, certification and execution of payment requests on behalf of the City.

BE IT FURTHER RESOLVED that the Mayor and Finance Director, of the City of Rapid City, hereby certify that the foregoing resolution was passed by the City of Rapid City Common Council at a meeting held on the Fifteenth day of March, 2021.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption

Finance Director

(SEAL)

NON-CONSENT ITEMS – Items 37 – 45

Chuck Henrie spoke on item (WS031021-02). He asked that Rapid Ride work on their service. He has fallen on and off the bus and he has trouble with continued problems. He said the safety committee doesn't have one person on the committee that's ADA needy.

Ordinances

Mayor Allender read in item (WS022421-08) First Reading of Ordinance No. 6480 an Ordinance to Clarify Provisions Related to the Rapid City Regional Airport Board and to Expand its Membership by Amending Provisions in Chapter 2.72 of the Rapid City Municipal Code. Motion was made by Drew, second by Armstrong to approve. The number of members will go from five to seven to include two members outside of the City's platting jurisdiction in Pennington County. The ordinance eliminates the requirement that the airport must utilize the Rapid City Fire Department for aircraft rescue and firefighting services. Roberts thinks that legal counsel should be consulted on this. Salamun would like RCFD to have preference. Mayor turned meeting over to Council President Laura Armstrong. He said the FAA gives \$2 million for operational expenses. He said the airport has a great management team and suggested that the city lets them do their own management. He would like to see the council support the ordinance. Mayor took over the meeting again. Roll call vote: Strommen, Armstrong, Jones, Lehmann, Salamun, Drew, Nordstrom and Weifenbach voted yes; Roberts and Evans voted no; Motion carried 8-2 that Ordinance 6480 be placed upon its first reading and the title was distinctly read and second reading set for Monday, April 5, 2021.

Mayor Allender read in item (WS031021-26) First Reading of Ordinance 6478 Regarding Supplemental Appropriation #1 for 2021. Motion was made by Armstrong, second by Nordstrom and carried 10-0 that Ordinance 6478 be placed upon its first reading and the title was distinctly read and second reading set for Monday, April 5, 2021.

Mayor Allender read in item (WS031021-01) First Reading Ordinance No. 6479 An Ordinance to Amend Provisions in Rapid City Municipal Code Chapter 2.40 to Authorize the Finance Officer to Perform the Duties of the Finance Director. Motion was made by Jones, second by Nordstrom and carried 10-0 that Ordinance 6479 be placed upon its first reading and the title was distinctly read and second reading set for Monday, April 5, 2021.

Working Session Committee Items

Mayor Allender read in item (WS031021-02) Introduction and Approval of Rapid Transit System (RTS) Public Transportation Agency Safety Plan. Drew stated that any non-compliance needs to be addressed. Tech indicated that Rapid Transit is happy to help with any concerns regarding the transit system. He said the primary purpose is to get employees of Rapid Transit engaged in safety. Motion was made by Salamun, second by Strommen and carried 10-0 to approve.

Mayor Allender read in item (WS031021-03) Approve Resolution No. 2021-021 A Resolution To Write Off Credit Balance Utility Billing Accounts For a Total Amount Of \$2,077.46. Motion was made by Armstrong, second by Drew and carried to approve 10-0.

RESOLUTION 2021-021
RESOLUTION WRITING OFF CREDIT BALANCE
UTILITY BILLING ACCOUNTS

WHEREAS, The Utility Billing division has made a diligent attempt to refund credit balances for utility bills originating from accounts that were closed between the Dates of November 10, 2009 and December 31, 2017: and

WHEREAS, The City Finance Office has determined that certain billing accounts, shown on Appendix A, attached, and totaling \$2,077.46 are determined to be expired for refund.

WHEREAS, It is necessary to relieve the accounts payable of the City of Rapid City for these accounts.

NOW, THEREFORE BE IT RESOLVED, that the City Finance Officer be directed to remove such accounts from the active accounts of the city, said accounts being detailed in the official files of the City Finance Office.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

Mayor Allender read in item (WS031021-04) Approve Resolution No. 2021-022 A Resolution To Write Off Uncollectable Utility Billing Accounts For a Total Amount Of \$470,465.64. Motion was made by Nordstrom, second by Jones to approve. Jones said when customers don't pay their bill; the other taxpayers have to foot the bill. Sumption explained best practices and how this bookkeeping is part of the audit. These accounts still show an amount due so the delinquent customer can't open a new account until their old account is paid in full. She stated some of these accounts date back to 2005. If a customer files bankruptcy then their city bill is discharged entirely. Motion carried 10-0.

RESOLUTION 2021-022

A RESOLUTION TO WRITE OFF UNCOLLECTABLE UTILITY BILLING ACCOUNTS FOR BALANCES

WHEREAS, The Utility Billing division has made a diligent attempt to collect on unpaid utility bills originating from accounts that were closed between the Dates of January 1, 2005 and December 31, 2017: and

WHEREAS, The City Finance Office has determined that certain utility billing accounts, shown on Appendix A, attached, and totaling \$470,465.64 are uncollectable; and

WHEREAS, It is necessary to relieve the accounts receivable of the City of Rapid City for these accounts.

NOW, THEREFORE BE IT RESOLVED, by the City of Rapid City, that the City Finance Officer be directed to remove such accounts from the active receivable of the City, said accounts being detailed in the official files of the City Finance Office.

I, Steve Allender, Mayor and Pauline Sumption, Finance Director of the City of Rapid City, hereby certify that the foregoing resolution was passed by the City of Rapid City Common Council at a meeting held on the 15th day of March 2021.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Director
(SEAL)

Community Development Items

Mayor Allender read in item (No. 21PL008) A request by Fisk Land Surveying & Consulting Engineers, Inc for Ian Estes and Bradley Estes for a Preliminary Subdivision Plan for proposed Lots A, B and C of Lot 1 of Ridgeland Heights No. 2 Subdivision, generally described as being located at 500 Ridgeland Loop. Motion was made by Roberts, second by Salamon and carried 10-0 to approve with the following stipulations: 1. Prior to submittal of a Final Plat application, a Variance shall be obtained from Pennington County to allow more than 40 dwelling units on a dead-end road system; 2. Prior to submittal of a Final Plat application, the portion of the property currently zoned General Agriculture District shall be rezoned with Pennington County to Ranchette District to support the proposed lot sizes; 3. Prior to submittal of a Final Plat application, a Conditional Use Permit shall be obtained from Pennington County to allow an accessory structure (shed) on proposed Lot C prior to the location of a residence; 4. Prior to submittal of a Final Plat application, a Variance shall be obtained from the City Council to waive the requirement to construct sidewalk along Ridgeland Loop and the Section Line Highway or construction plans shall be submitted for sidewalk along the two rights-of-way; 5. Prior to submittal of a Final Plat application, an Exception shall be obtained from City Council to allow 77 dwelling units in lieu of a maximum of 40 dwelling units with one point of access; 6. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property if needed. In addition, a copy of the approved plan shall be submitted with the Final Plat application or written documentation from the Fire Department shall be submitted indicating that a plan is not needed; and, 7. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures or expansions to the existing residence that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; and, 8. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that exterior building construction materials, building separations and landscaping provision are in conformance with the best practices established by the Rapid City Fire Department Survivable Space Initiative; fire suppression systems are installed in any new residential structures or significant alterations to the existing residential structure that results in the expansion of the fire flow calculation area as defined by the International Fire Code. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable.

Mayor Allender read in item (No. 21PL009) A request by KTM Design Solutions, Inc for Duane Pankratz for a Preliminary Subdivision Plan for proposed Lot 2 of Block 2 of Hilltop Business Park Subdivision, generally described as being located southwest of the intersection of East Anamosa Street and Elk Vale Road. Motion was made by Lehmann, second by Roberts to approve 10-0 with the following stipulations: 1. Upon submittal of a Final Plat application, the Certificates shall be revised to show Certificates for a Final Plat in lieu of a Minor Plat. In addition, two signature lines shall be added to the Certificate of Highway or Street Authority to allow for signature by the Rapid City Public Works Department and the South Dakota Department of Transportation; and, 2. Upon submittal of a Final Plat application, the plat shall be revised to show "N. Elk Vale Road" as "Elk Vale Road".

Pat Jones took a point of privilege. He had a brochure given to the city council from the Humane Society regarding their work and goals. He stated they do a tremendous job. He encouraged his colleagues to look through the report.

PUBLIC HEARING ITEMS – Items 45 – 48**CONSENT PUBLIC HEARING ITEMS** – (NONE)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 45 – 48

Mayor Allender read in item (No. 21RZ008) Second Reading, Ordinance 6473, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for Buffalo East LLC for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located at 7223 Healing Way. Having passed its first reading on March 1, 2021, motion was made by Jones, second by Drew that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6473 was declared duly passed upon its second reading.

Mayor Allender read in item (No. 21RZ009) Second Reading, Ordinance 6474, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc for BH Capital 4, LLC for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located south of North Valley Drive. Having passed its first reading on March 1, 2021, motion was made by Drew, second by Roberts that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6474 was declared duly passed upon its second reading.

Mayor Allender read in item (21OA001) Second Reading and Recommendation of Ordinance No. 6475 an Ordinance to Create a Platting Process to Facilitate the Transfer of Certain Unplatted Property by Adding Section 16.08.105 to the Rapid City Municipal Code. Having passed its first reading on March 1, 2021, motion was made by Jones, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6475 was declared duly passed upon its second reading.

Mayor Allender read in item (21OA002) Second Reading and Recommendation of Ordinance No. 6476 an Ordinance to Require Platted Lots in the Medium and High Density Residential Districts Abut a Public Street for a Distance of Not Less than 25 Feet by Amending Subsection 17.12.050E. of the Rapid City Municipal Code. Having passed its first reading on March 1, 2021, motion was made by Armstrong, second by Lehmann that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Weifenbach, Roberts, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6476 was declared duly passed upon its second reading.

EXECUTIVE SESSION is to discuss the qualifications, competence, performance, character or fitness of any public officer or employee and to consult with legal counsel about contractual matters pursuant to SDCL 1-25-2(1) & (3). Motion was made Lehmann, second by Nordstrom to go into Executive Session at 8:10 p.m. With all members present, motion was made by Armstrong, second by Lehmann to come out of Executive Session at 8:35 p.m.

STAFF DIRECTION

Motion by Jones, second by Evans to dismiss the complaint against Darla Drew. Motion carried 10-0.

BILLS

BILL LIST - MARCH 15, 2021

P/ROLL PERIOD END 02/27/21, PD 03/05/21	1,846,712.92
CDEV P/ROLL PERIOD END 02/27/21, PD 03/05/21	2,381.85
PIONEER BANK & TRUST, 02/27/21 P/ROLL TAXES, PD 03/05/21	511,226.15
CDEV PIONEER BANK & TRUST, 02/27/21 P/ROLL TAXES, PD 03/05/21	555.60
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN21 SALES TAX PAYABLE, PD 02/25/21	34,873.30
SOUTH DAKOTA DEPARTMENT OF REVENUE, JAN21 EXCISE TAX PAYABLE, PD 02/25/21	26.93
SOUTH DAKOTA DEPT OF REVENUE, JAN21 CCTR SALES TAX PAYABLE, PD 02/25/21	13,326.91
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 03/01/21, PD 03/02/21	8,762.74
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 03/08/21, PD 03/09/21	7,872.10
SOUTH DAKOTA RETIREMENT SYSTEM, FEB21 RETIREMENT, PD 03/03/21	481,732.77
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 03/03/21, PD 03/04/21	7,775.51
BLACK HILLS ENERGY, ELECTRICITY, PD 03/09/21	28,636.35
COMPUTER BILL LIST,	3,444,013.29
CDEV COMPUTER BILL LIST	544.46
SUBTOTAL	6,388,440.88
RSVP, P/ROLL PERIOD END 02/27/21, PD 03/05/21	2,659.13
RSVP, PIONEER BANK & TRUST, 02/27/21 P/ROLL TAXES, PD 03/05/21	607.52
RSVP, COMPUTER BILL LIST	967.51
TOTAL	6,392,675.04

Sumption presented the bill list of \$6,392,675.04. Motion was made by Salamun, second by Roberts and carried to authorize (No. CC031521-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 10-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Strommen, second by Lehmann and carried to adjourn the meeting at 8:37 p.m.

Dated this 15th day of March, 2021.

CITY OF RAPID CITY
s/Steve Allender
 Mayor

ATTEST:
s/Pauline Sumption
 Finance Director
 (SEAL)

Published at the approximate cost: _____