

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 4, 2016

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, January 4, 2016 at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Steve Laurenti, Jerry Wright, Ron Weifenbach, Charity Doyle, Brad Estes, Chad Lewis, Darla Drew, John B. Roberts, Ritchie Nordstrom and Amanda Scott and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, City Engineer Dale Tech, Community Planning and Development Services Director Brett Limbaugh, Police Chief Karl Jegeris, Fire Chief Mike Maltaverne, Community Resources Director Jeff Barbier and Administrative Coordinator Heidi Weaver-Norris.

ADOPTION OF AGENDA

Motion was made by Estes, second by Scott and carried to adopt the agenda.

EXECUTIVE SESSION / STAFF DIRECTION

Mayor Allender stated that he would like to forego executive session. He said he had called each councilperson regarding their opinion on how to handle the investigation of the qualifications, competence, performance, character or fitness of a public officer or employee pursuant to SDCL 1-25-2(1) by giving them three options. He stated the options were to use the City Attorney, hire an outside private attorney or to hire retired FBI agent, Mark Pecora to handle the investigation. He said the majority voted to hire Mark Pecora. Mayor Allender stated the funding source for the investigation would come from the City Attorney's budget out of the Professional Services line item. Motion by Scott, second by Laurenti, to acknowledge the recommendation to hire Mark Pecora for the investigation. Substitute motion by Estes, second by Laurenti, to direct the Mayor to hire Mark Pecora. Motion carried.

CONSENT ITEMS

The following items were removed from the Consent Items:

4. No. PW122915-02 – Approve Change Order #3F for Knife River for 2015 Miscellaneous Improvements Project, Project No. 14-2142 / CIP No. 50298, for a decrease of \$44,663.85.
5. No. PW122915-03 – Approve Change Order #1F for Mainline Contracting for Long View Road Water Transmission Main Extension, Project No. 12-2013 / CIP No. 50900, for a decrease of \$54,683.76.
7. No. PW122915-05 – Approve Change Order #1F to Mainline Contracting for Vista Lake Subdivision, Project No. 15-2229 / CIP No. 51046, for a decrease of \$30,143.75.
9. No. PW122915-07 – Authorize Staff to Advertise for Bids for 12 Replacement Automated Garbage and Recycling Trucks for Solid Waste Division, Project No. SW 001-2016. Estimated Cost: \$3,500,000.00.
19. No. LF121615-08 – Authorize Mayor and Finance Officer to Sign FY2015 Community Development Block Grant (CDBG) Contract for Hagg Development, Inc. contingent upon the City receiving a bank financial instrument from the recipient.

Motion was made by Doyle, second by Laurenti and carried unanimously to approve Items 1-20 as they appear on the Consent Items with the exception of Items 4, 5, 7 and 9. Scott asked if she could also pull Item 19. Motion was made by Laurenti, second by Doyle and carried unanimously to approve Items 1-20 as they appear on the Consent Items with the exception of Items 4, 5, 7, 9 and 19.

Approve Minutes

1. Approve Minutes for the December 21, 2015 Regular Council meeting and the December 28, 2015 Special Council meeting.

Alcoholic Beverage License Applications Set for Hearing (January 19, 2016)

2. Holiday Stationstores, Inc DBA Holiday Stationstores, Inc, 1846 Eglin St for a Package (off-sale) Malt Beverage License

Public Works Committee Consent Items

3. No. PW122915-01 – Confirm the Reappointment of Domico Rodriquez and the New Appointment of Shon Hanczy to the Parks & Recreation Advisory Board.
6. No. PW122915-04 – Approve Change Order #1F for Corr Construction Services Inc for 2015 Bridge Maintenance Project, Project No. 15-2262 / CIP No. 50752, for an increase of \$11,593.75.
8. No. PW122915-06 – Authorize Staff to Advertise for Bids for Baldwin Street Reconstruction – Wentworth to Wedgewood and Wedgewood to South Berry Pine, Project No. 14-2189 and 14-2190 / CIP 50822.1-1 and 50822.1-2. Estimated Cost: \$4,370,000.00.
10. No. PW122915-08 – Authorize Staff to Advertise for Bids for Sheridan Lake Road Reconstruction Project, Project No. 14-2203 / CIP No. 50933. Estimated Cost: \$2,300,000.00.
11. No. PW122915-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Agreement Number 713311 between the City of Rapid City and South Dakota Department of Transportation for the extension of North Elk Vale Road Project EM 0902(39)61 PCN 1939.
12. No. PW122915-10 – Authorize Mayor and Finance Officer to Sign Maintenance Agreement and Jurisdiction Transfer between the State of South Dakota and City of Rapid City for Dyess Avenue north of Interstate 90.
13. No. PW122915-11 – Authorize Staff to Seek Proposals for Professional Services for Water Rights Acquisition Assistance; Project No. 16-2314 / CIP No. 50303.
14. No. PW122915-12 – Authorize Staff to Purchase Meltdown Apex from Envriotech using the General Services Administration (GSA) Contract Pricing of \$1.44 per gallon for product and shipping.
15. No. PW122915-13 – Approve Renewal Contract with Rehrig Pacific Company for Automated Garbage Collection Containers/Carts.
16. No. PW122915-14 – Approve a Request from Cummins Central Power, LLC, for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along N Elk Vale Road and to Deny a request for a Variance to Waive the Requirement to Install Sidewalk per City Ordinance 12.08.060 along Taggart Road for Lot 2R, I-90 Heartland Business Park, Section 28, T2N, R8E, BHM, Rapid City

Legal & Finance Committee Consent Items

- 17. No. LF123015-01 – Confirm Reappointment of Jennifer Landguth to the Rushmore Plaza Civic Center Board
- 18. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Bunkers, Maria; Cole, Hilda; Conklin, Rita; Crown, Gary; Dixon, Janice; Eisenbraun, Fred; Felix, Bel; Giggee, Kayla; Hageman, Roberta; Harris, Joy; Hilliger, Roberta; Hintz, Danielle; Hocke, Garlet; Huber, Laura; Keiser, Jean; Kickery, Heather; Kickery, Patricia; Knuppe, Triscell; Ladwig, Joshua; Larson, Amanda; Layton, Barb; Lunders, Leon; Martin, Ruth; Mason, Bob; McCaskell, Michaela; Nordstrom, Ritchie; Patterson, Anthony; Pettersen, Ralph; Pettersen, Sharon; Plenty Wounds, Rose; Ribble, Dorothy; Robinson, Joan; Rohde, Diane; Root, Karen; Rush, Jason; Seymour, Jaclyn; Sieberg, Joe; Soden, Pat; Stagner, Stephanie; Stevenson, Ordean; Stone, Chris; Thompson, Sarah; Trautman, Cheyenne; Waltman, Rosella; Weiss, Carol; Wirtz, Courtney
- 20. No. LF123015-03 – Resolution No. 2015-119 to Donate Property No Longer Needed for Municipal Purposes to the Humane Society of the Black Hills

Resolution No. 2015-119
 RESOLUTION TO DONATE PROPERTY NO LONGER NEEDED FOR
 MUNICIPAL PURPOSES TO THE HUMANE SOCIETY OF THE BLACK HILLS

WHEREAS, the City of Rapid City currently owns the following property: Konica Minolta
 Model No. Bizhub 350 Copy Machine

WHEREAS, the Common Council of the City of Rapid City has determined that the above-described property is no longer necessary, useful, or suitable for municipal purposes; and

WHEREAS, SDCL 6-5-2 authorizes the City of Rapid City to give any personal property it owns to a non-profit organization, upon such terms and conditions as provided by a resolution of the governing body; and

WHEREAS, the Humane Society of the Black Hills is a non-profit organized under the laws of State of South Dakota; and

WHEREAS, the Humane Society of the Black Hills has expressed its need and desire to acquire the above-described property; and

WHEREAS, the Humane Society of the Black Hills intends to use the above-described property for public purposes.

NOW, THEREFORE, BE IT RESOLVED that the above-described property be and is hereby declared surplus and no longer necessary, useful, or suitable for municipal purposes.

BE IT FURTHER RESOLVED that the City of Rapid City shall donate to the Humane Society of the Black Hills the above-described property.

Dated this 4th day of January, 2016.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:
s/ Pauline Sumption
 Finance Officer

(SEAL)

END OF CONSENT ITEMS

Motion was made by Drew, second by Nordstrom to (No. PW122915-02) Approve Change Order #3F for Knife River for 2015 Miscellaneous Improvements Project, Project No. 14-2142 / CIP No. 50298, for a decrease of \$44,663.85. In response to a question from Drew, Tech verified that some sidewalks won't be getting fixed at this time, the remaining sidewalks that need fixing, will be put on the next year's project. Motion carried.

Motion was made by Doyle, second by Laurenti to (No. PW122915-03) Approve Change Order #1F for Mainline Contracting for Long View Road Water Transmission Main Extension, Project No. 12-2013 / CIP No. 50900, for a decrease of \$54,683.76. In response to a question from Drew, Tech stated that every foot of the silt fence wasn't needed because the area was taken care of and well preserved, so the extra silt fencing wasn't needed. Motion carried.

Motion was made by Doyle, second by Nordstrom to (No. PW122915-05) Approve Change Order #1F to Mainline Contracting for Vista Lake Subdivision, Project No. 15-2229 / CIP No. 51046, for a decrease of \$30,143.75. In response to a question from Drew, Tech stated that anytime there is rock excavation, the developer has to estimate for unseen rock. Therefore, there was a decrease in cost because there was less rock excavating to be done than estimated. Motion carried.

Motion was made by Doyle, second by Wright to (No. PW122915-07) Authorize Staff to Advertise for Bids for 12 Replacement Automated Garbage and Recycling Trucks for Solid Waste Division, Project No. SW 001-2016. Estimated Cost: \$3,500,000.00. Wright stated reserves had been built up since 2006 in order to make this a cash purchase so the vehicles don't have to be financed. Motion carried.

Motion was made by Scott, second by Nordstrom to (No. LF121615-08) Authorize Mayor and Finance Officer to Sign FY2015 Community Development Block Grant (CDBG) Contract for Hagg Development, Inc. contingent upon the City receiving a bank financial instrument from the recipient. In response to a question from Scott, City Attorney Joel Landeen said that the letter of credit will be coming. In response to a question from Laurenti, Director of Community Development, Barb Garcia said the federal grant is for low-moderate income housing. It is monitored / enforced by Community Development. She explained her department has to have supporting documentation up front before funds are released. The Community Development Department doesn't upfront money. It is done on a reimbursement basis. Documentation is provided to release funds. Different instruments are used for different types of housing. For example, if there are 100 units, 51 of them have to be designated to low income (which equals 51%). Then Community Development has to verify the income of the 51 units. However, the verifying income documents are collected by the developer or whoever he subcontracts with, to collect the information. The information is then verified by Community Development. Her department is also in charge of auditing the developers files to make sure all documents are on file to support the Community Development funding. In the case of purchasing for home ownership, Community Development will put a second mortgage against the home. If the home is sold or vacated by low income person, the funds put into that lot have to come back to Community Development. The letter of credit is going to protect the City in case the project doesn't get completed. If that happens, the City would collect on the letter of credit which would pay the City back and in turn pay HUD back. Motion carried.

NON-CONSENT ITEMS

Ordinances

Ordinance No. 6082 (No. LF121615-13) An Ordinance to Amend Certain Provisions Concerning Travel Parks by Amending Chapter 15.52 of the Rapid City Municipal Code having passed its first reading on December 21, 2015 motion was made by Scott, second by Estes, that the title be read the second time. Upon vote being taken, the following voted AYE: Laurenti, Wright, Weifenbach, Doyle, Estes, Lewis,

Drew, Roberts, Nordstrom and Scott; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6082 was declared duly passed upon its second reading

PUBLIC HEARING ITEMS

CONSENT PUBLIC HEARING ITEMS

Motion was made by Scott, second by Laurenti and carried to approve Item 22 as it appears on the Consent Public Hearing Items.

Assessment Rolls

21. No. LF123015-02 – Resolution No. 2015-113B Levying Assessment for Cleanup of Miscellaneous Property

RESOLUTION NO. 2015-113B
RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTY

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

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

Dated this 4th day of January, 2016.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Item 23

BILLS

The following bills have been audited.

BILLIST - JANUARY 4, 2016

P/ROLL PERIOD END 12/31/15, PD 12/31/15	1,451,922.31
P/ROLL PERIOD END 12/26/15, PD 12/31/15	1,025,193.55
CDEV P/ROLL PERIOD END 12/26/15, PD 12/31/15	2,866.62
PIONEER BANK & TRUST, 12/31/15 P/ROLL TAXES, PD 12/31/15	365,603.06
PIONEER BANK & TRUST, 12/26/15 P/ROLL TAXES, PD 12/31/15	262,967.58
CDEV PIONEER BANK & TRUST, 12/26/15 P/ROLL TAXES, PD 12/31/15	219.29
WELLMARK INC, HEALTH CLAIMS THROUGH 12/25/15, PD 12/31/15	193,462.18
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/28/15, PD 12/29/15	7,019.47
US BANK, CREDIT CARD CHARGES, PD 12/30/15	34,879.56
GREAT WESTERN BANK, TID72 E ST JOSEPH, PD 12/29/15	52,128.56
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 12/30/15	7,341.25
CITY-LIABILITY INSURANCE FUND, 2016 LIABILITY INSURANCE	186,346.50
CITY-WORKERS COMPENSATION FUND, 2016 WORK COMP	1,299,767.00
CITY-WORKERS COMPENSATION FUND, 2016 WORK COMP, CDEV	949.00
IIARC 2016 WORK COMP PREMIUM	433,255.00
IIARC 2016 WORK COMP PREMIUM, CDEV	316.00
IIARC 2016 AIRPORT GENERAL LIABILITY PREMIUM	28,800.00
BLACK HILLS INSURANCE, 2016 INSURANCE PREMIUMS	1,015,172.00
HUMANE SOCIETY OF THE BLACK HILLS JAN16 HUMANE SOCIETY	23,193.17
COMPUTER BILL LIST	1,091,587.93
SUBTOTAL	7,482,990.03
RSVP P/ROLL PERIOD END 12/26/15, PD 12/31/15	3,217.72
RSVP PIONEER BANK & TRUST, 12/26/15 P/ROLL TAXES, PD 12/31/15	246.15
RSVP CITY-LIABILITY INSURANCE FUND, 2016 LIABILITY	131.50
RSVP CITY-WORKERS COMPENSATION FUND, 2016 WORK COMP	132.00
RSVP IIARC, 2016 WORK COMP PREMIUM	44.00
RSVP BLACK HILLS INSURANCE, 2016 INS PREMIUM	263.00
TOTAL	7,487,024.40

Sumption presented the bill list total of \$7,487,024.40. Motion was made by Laurenti, second by Nordstrom and carried to authorize (No. CC010416-01) the Finance Officer to issue warrants or treasurers 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 Scott, second by Drew and carried to adjourn the meeting at 6:53 p.m.

CITY OF RAPID CITY

ATTEST:

Finance Officer

Mayor

(SEAL)