

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
Monday, November 7, 2022

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, Council Chambers, 300 Sixth Street, in Rapid City, South Dakota on Monday, November 7, 2022, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Pat Jones, Jason Salamun, Jesse Ham, Ritchie Nordstrom, Pat Roseland, Laura Armstrong, John Roberts, Bill Evans and Lance Lehmann; the following were absent: None; the following joined the meeting by telephone: None; the following Alderpersons arrived during the course of the meeting: None

Staff members present included: City Attorney Joel Landeen, Police Chief Don Hedrick, Public Works Director Dale Tech, Fire Chief Jason Culberson, Interim Finance Director Tracy Davis, Community Development Director Vicki Fisher, Parks and Recreation Manager Jeff Biegler, IT Director Jim Gilbert, Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Mayor Allender asked that Item 31 (LF110222-05) be removed from the agenda. Motion was made by Lehmann, second by Jones to adopt the agenda with the removal of item 31. Motion carried 10-0.

AWARDS AND RECOGNITIONS

Mayor Allender Recognized the State Cross Country Championships won by the Stevens High School Girls and Stevens High School Boys Cross Country Teams. He stated that the City of Rapid City is proud of their accomplishments as student athletes and good citizens of Rapid City.

PRESENTATION

Mayor Allender read the Proclamation for Hunger and Homelessness Awareness Week. Melanie Timm of the Hope Center accepted the proclamation. Mayor Allender introduced Councilman Ritchie Nordstrom who gave a presentation on the South Dakota Municipal League which he attended in Watertown, SD between October 4-7, 2022.

GENERAL PUBLIC COMMENT

Salamun made a point of privilege to remind the citizens of Rapid City to vote on November 8, 2022, and that each vote matters.

NON-PUBLIC HEARING ITEMS -- Items 4 – 43

CONSENT ITEMS – Items 4 – 41

21. PW110122-12: Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and Eastern Slope Land Corporation for Oversize Water Main Cost Reimbursement, not to exceed \$45,510.72.
23. PW110122-14: Authorize purchase of 1998 Caterpillar D8E RIPR Dozer from Chris Larson in the amount of \$235,000.00.
31. LF110222-05 – Authorize Staff to Purchase Two 2022 Dodge Durango's for a Total Amount of \$84,098 from Liberty Superstores

Motion was made by Lehmann, second by Evans to approve consent items 4-41 with the exception of items 21, and 23. Item 31 was removed from the agenda. Motion carried 10-0.

Approve Minutes

4. Approve Minutes for the October 17, 2022 Regular Council meeting.

Tax Increment Financing District Set for Hearing (November 21, 2022)

5. No. 22TI003 - A request by Indigo Design, LLC for Youth Soccer Infrastructure, LLC for Resolution 2022-081 to Create Tax Increment Financing District and Resolution 2022-082 to Adopt a Project Plan for property generally described as being located north of Seger Drive, south of Country Road, west of N. Elk Vale Road and east of Dyess Avenue.

Alcoholic Beverage License Applications Set for Hearing (November 21, 2022)

6. Bar K-9 LLC for a SPECIAL EVENT (on-sale) Malt Beverage License for an event scheduled for December 9 and 10, 2022 at Rushmore Mall (near Herberger's Wing) 2200 N Maple Ave
7. Moyle Petroleum Company DBA Omaha Street Common Cents #104 for a new Package (off-sale) Liquor License at 1129 W. Omaha Street
8. Moyle Petroleum Company DBA Omaha Street Common Cents #108 for a new Package (off-sale) Liquor License at 2660 Mt. Rushmore Road
9. Justin Henrichson DBA Windsor Block Bar (Inactive), 627 St Joseph Street for a Retail (on-sale) Liquor License TRANSFER from The Bestro, LLC DBA The Bestro, 333 Omaha St, Ste 4

Public Works Committee Consent Items

10. PW110122-01: Authorize staff to advertise bids for 12th Street Reconstruction Fulton Street to Fairview Street, Project No. 21-2642 / CIP No. 51324, Estimated Cost: \$1,200,000.
11. PW110122-02: Authorize Staff to Advertise Bids for South Truck Route Drainage Basin Design Plan (DBDP) – Element 16 Culvert Crossing, Project Number 21-2668 / CIP 51331, in the amount of \$635,000.00
12. PW110122-03: Authorize Staff to Advertise for Bid for Signal Drive and Kellogg Place Street and Utility Reconstruction, Project No. 21-2670 / CIP 51170. Estimated Cost \$5,000,000.
13. PW110122-04: Authorize staff to advertise bids for Water and Sewer Improvements Block 13 Boulevard Addition, Project No. 22-2699 / CIP No. 50927.1, Estimated Cost: \$875,000.
14. PW110122-05: Accept Quitclaim Deed from Dakota Heartland Inc. and DTH, L.L.C. for Lot H1 in Section 3, Township 1 North (T1N), Range 8 East (R8E), City of Rapid City (Homestead Street)
15. PW110122-06: Approve Change Order #5F to Simon Contractors of SD, Inc. for 2020 Miscellaneous Improvements Projects, General Civil Projects, Project# 2605, CIP# 51132.1, for a decrease of \$120,703.16.
16. PW110122-07: Approve Change Order #1 for Project No. 2674 / CIP No. 51225 RC City Hall AHU Replacement with Climate Control Systems and Services for an increase of \$32,330.00.
17. PW110122-08: Approve Change Order #1F to Prime Excavation, LLC. For Sturgis Road Inlet – 3500 Block, Project# 2683, CIP# 51339, for a decrease of \$4,667.20.
18. PW110122-09: Authorize Mayor and Finance Director to Sign Title V/Part 70 Permit Renewal Application for the Solid Waste Division.
19. PW110122-10: Authorize the Mayor and Interim Finance Director to sign the Temporary Easement Agreement for Anamosa Street Bridge Replacement over I-190. Project No. 21-2690 / CIP No. 51344.
20. PW110122-11: Authorize Mayor and Interim Finance Director to sign the “State of South Dakota Joint Powers Maintenance, Encroachment, and Financial Agreement Among Department of Transportation, Pennington County, and Rapid City, South Dakota” for the reconstruction Deadwood Avenue North from the quarter section line to the Meade County Line. Deadwood Avenue Reconstruction Phase 2, Project 22-2732 / CIP 50437.2.
22. PW110122-13: Authorize Mayor and Interim Finance Director to sign an Agreement between the City of Rapid City and American Engineering and Testing, Inc for an annual contract renewal work plan for sampling, analysis, and reporting related to 2023 Environmental Monitoring for the Rapid City Landfill, Project No. 2722, CIP 51371 for an amount of \$119,475.60 for 2023 monitoring services.

24. PW110122-15: Authorize purchase of two (2) new current model year tandem axle roll-off trucks with hook-lift systems from Floyd's Truck Center in the amount of \$461,290.00. Trucks are Freightliner 114SD with Swaploader model SL520 hydraulic hook lift hoists.
25. PW110122-16: Request Authorization for Mayor and Finance Officer to sign Professional Services Amendment #1 with FMG Engineering for RC Department Training Facility Proj. No. 19-2529 in the amount of \$55,467.40.
26. PW110122-17: Authorize staff to advertise for Sioux Park Tennis Courts Reconstruction, Project PR22-6186 for \$2,802,700.00.
27. PW110122-18: Acknowledge Presentation and update from Western Dakota Regional Water System
28. PW110122-19: Approve Funding Request from Western Dakota Regional Water System In the Amount of \$100,000, and identify funding source from the Water Fund.
29. 22TP031: Authorize staff to advertise the LiDar Data Acquisition and processing request for proposals

Legal and Finance Committee Consent Items

30. LF110222-01 – Confirm the reappointments of Alan Solano, Liz Hamburg, and Judy Duhamel to the Community Investment Committee
31. LF110222-05 – Authorize Staff to Purchase Two 2022 Dodge Durango's for a Total Amount of \$84,098 from Liberty Superstores
32. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Brittany Rimington-Whiddon (Library), Connie DeVries (RSVP+), James Eykamp (RSVP+), Devin Strutt (Police Department)
33. LF110222-04 – Authorize the West River RSVP+ Program to Apply for and Accept if Awarded the 2023 Corporation for National Community Services (CNCS) Grant in the Amount of \$135,000.00
34. LF110222-07 – Accept Quitclaim Deed from Dakota Heartland Inc. and DTH, L.L.C. for Lot H1 in Section 3, Township 1 North (T1N), Range 8 East (R8E), City of Rapid City (Homestead Street)

Community Development Consent Items

35. LF110222-02 – Authorize Mayor and Interim Finance Director to Sign the FY22 CommonBond's Contracts and Indenture
36. LF110222-03 – Authorize Mayor and Interim Finance Director to Sign the FY22 Community Development Block Grant Rapid City Housing Limited Partnership Assignee Contract and Covenants

Bid Award Consent Items

37. CC101722-04.2 - Approve award of Base Bid plus Alternate 1 and Alternate 3 for Block 75 Parking Structure Maintenance, Project No. 21-2689 opened on October 11, 2022 to the lowest responsible bidder, SECO Construction, Inc in the Total Bid amount of \$3,694,300.00. *(This item was continued from the October 17, 2022 City Council Meeting.)*
38. CC110722-04.1 - Approve award of total bid for Well 8 Pump Recovery and Replacement Phase 1: Pump and Motor Replacement, Project No. 22-2718 / CIP No. 51188 opened on November 1, 2022 to the lowest responsible bidder, Layne Christensen Company in the amount of \$751,400.00.
39. CC110722-04.2 - Approve award of total bid for Robbinsdale Phase 6 Fairlane Drive Reconstruction, Project No. 19-2518 / CIP No. 51232-C opened on November 1, 2022 to the lowest responsible bidder, LEi in the amount of \$3,709,810.18.
40. CC110722-04.3 - Approve award for bid for one (1) current model year ½ ton 4x4 pickup truck in the amount \$42,958.00 to Liberty Chrysler Center.
41. CC110722-04.4 - Approve award for bid for one (1) current model year 1-ton 4x4 pickup truck in the amount \$60,904.00 to Liberty Chrysler Center.

END OF CONSENT ITEMS

Mayor Allender read in item (PW110122-12) Authorize Mayor and Finance Office to Sign Agreement between the City of Rapid City and Eastern Slope Land Corporation for Oversize Water Main Cost Reimbursement, not to exceed \$45,510.72. Roberts stated he needed to abstain. Motion was made by Strommen, second by Nordstrom to approve. Motion carried 9-0 with Roberts abstaining.

Mayor Allender read in item (PW110122-14) Authorize purchase of 1998 Caterpillar D8E RIPR Dozer from Chris Larson in the amount of \$235,000.00. Motion was made by Jones, second by Evans to approve. In response to a question from Jones, Tech said the owner of the equipment was Chris Larson. He is an owner of an excavating company that had this piece of equipment for sale on www.equipmenttrader.com. Tech said the equipment was in good condition. Strommen stated the advertising authority was \$235K, but the purchase was for \$230K. Motion carried 10-0.

NON-CONSENT ITEMS – Items 42-43

Ordinances

Mayor Allender read in item (LF110222-06) Approve the First Reading of Ordinance No. 6553, an Ordinance Amending the Code to Prohibit Alcohol Sales in Medical Cannabis Establishments and to Allow Flexibility on the Commencement of Operations for Medical Cannabis Establishments. Landeen gave each councilperson an updated draft of the ordinance. He stated there are no amendments to the substance. Motion was made by Strommen, second by Salamun to approve the updated ordinance. Landeen said the updated ordinance will be linked to the item for the Second Reading. Motion carried 10-0 that Ordinance 6553 be placed upon its first reading and title was fully and distinctly read and the second reading set for November 21, 2022.

Community Development Items

Mayor Allender read in item (No. 22PL104) A request by AE2S, LLC for Chad and Kelly Bouma for a Preliminary Subdivision Plan for Lot 1R of Block 2 of Village on the Green No.3 generally described as being located on Anna Court. Motion was made by Lehmann, second by Roberts and carried 10-0 to approve with the following stipulation: 1. Upon submittal of a Final Plat application, all necessary easements shall be shown on the plat document.

PUBLIC HEARING ITEMS – Items 44 – 45

CONSENT PUBLIC HEARING ITEMS – Items 44 45

Alcohol Licenses

- 44. Zonta Club of the Black Hills for a SPECIAL EVENT (On-Sale) Malt Beverage; (On-Sale) Wine and (Off-Sale) Package Wine for an event scheduled for March 8, 2023 at Western Dakota Tech at 800 Mickelson Drive
- 45. Western Dakota Gaming Inc. DBA Valley Sports Casino, 1865 S. Valley Drive, Suite 2 for a Retail (on-off sale) Malt Beverage & SD Farm Wine with Video Lottery TRANSFER from Poker Joe’s Inc. DBA Poker Joes, 211 Campbell Street

Mayor read in items 44-45. Motion was made by Jones, second by Armstrong and carried 10-0 to approve items 44-45.

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS

BILL LIST - NOVEMBER 07, 2022

P/ROLL PERIOD END 10/08/22, PD 10/14/22	2,354,517.63
P/ROLL PERIOD END 10/22/22, PD 10/28/22	2,307,888.08
PIONEER BANK & TRUST, 10/08/22 P/ROLL TAXES, PD 10/14/22	612,340.88

PIONEER BANK & TRUST, 10/22/22 P/ROLL TAXES, PD 10/28/22	602,685.79
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEPT22 SALES TAX PAYABLE, PD 10/25/22	64,986.07
SOUTH DAKOTA DEPARTMENT OF REVENUE, SEPT22 EXCISE TAX PAYABLE, PD 10/25/22	222.64
SOUTH DAKOTA DEPT OF REVENUE, SEPT22 CCTR SALES TAX PAYABLE, PD 10/25/22	14,538.17
WELLMARK INC, HEALTH CLAIMS THROUGH 10/14/22, PD 10/20/22	157,302.59
WELLMARK INC, HEALTH CLAIMS THROUGH 10/21/22, PD 10/27/22	267,885.35
WELLMARK INC, HEALTH CLAIMS THROUGH 10/28/22, PD 11/03/22	139,354.04
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 10/17/22, PD 10/18/22	5,405.96
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 10/24/22, PD 10/25/22	3,583.85
WAGE WORKS, SECTION 125 PAYMENTS THROUGH 10/31/22, PD 11/01/22	5,405.09
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 10/19/22, PD 10/20/22	5,094.95
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 10/26/22, PD 10/27/22	14,869.58
RISK ADMIN SERVICES INC WORK COMP CLAIMS THROUGH 11/02/22, PD 11/03/22	6,510.68
US BANK, CREDIT CARD CHARGES, PD 10/31/22	65,837.63
BANK WEST, TID65 MINNESOTA ST, PD 10/26/22	29,670.41
BANK WEST, TID70 CATRON BLVD, PD 10/26/22	134,682.10
HDRK PROPERTIES LLC, TID56 RUSHMORE CROSSING - HDRK, PD 10/26/22	49,810.16
CITY OF RAPID CITY, TID64 CABELA'S, PD 10/26/22	30,263.35
MARKET SQUARE LLC, TID52 E ST CHARLES ST, PD 10/26/22	11,258.82
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 10/25/22	2,545.48
BLACK HILLS ENERGY, ELECTRICITY, PD 10/25/22	148,553.30
BLACK HILLS ENERGY, ELECTRICITY, PD 10/27/22	270.18
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/25/22	24,813.86
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/27/22	57.35
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 10/31/22	59.04
SD DEPARTMENT OF LABOR REEMPLOYMENT, BENEFIT CHARGES, PD 10/31/22	3,434.76
COMPUTER BILL LIST	3,245,364.96
CDEV COMPUTER BILL LIST	15,696.47
SUBTOTAL	10,324,909.22
RSVP, P/ROLL PERIOD END 10/08/22, PD 10/14/22	2,505.61
RSVP, P/ROLL PERIOD END 10/22/22, PD 10/28/22	2,505.61
RSVP, PIONEER BANK & TRUST, 10/08/22 P/ROLL TAXES, PD 10/14/22	572.24
RSVP, PIONEER BANK & TRUST, 10/22/22 P/ROLL TAXES, PD 10/28/22	576.12
RSVP, COMPUTER BILL LIST	753.39
TOTAL	10,331,822.19

Davis presented the bill list of \$10,331,822.19. Motion was made by Salamun, second by Roberts and carried to authorize (No. CC110722-01) the Interim 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 Nordstrom and carried to adjourn the meeting at 7:03 p.m.

Dated this 7th day of November, 2022.

CITY OF RAPID CITY
s/ Steve Allender
 Mayor

ATTEST:

s/ Tracy Davis
Interim Finance Director
(SEAL)

Published at the approximate cost: _____