

PROCEEDINGS FOR THE CITY COUNCIL  
City of Rapid City, South Dakota  
Tuesday, January 3, 2023

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 Tuesday, January 3, 2023, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Greg Strommen, Pat Jones, Jason Salamun, Ritchie Nordstrom, Pat Roseland, Laura Armstrong, John Roberts, Bill Evans and Lance Lehmann; the following were absent: Jesse Ham; 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, Fire Chief Jason Culberson, Public Works Director Dale Tech, Interim Finance Director Tracy Davis, Community Development Director Vicki Fisher, Parks and Recreation Manager Jeff Biegler, IT Director Jim Gilbert, Civic Center General Manager Craig Baltzer; Communications Coordinator Darrell Shoemaker, and Administrative Coordinator Heidi Weaver.

**ADOPTION OF AGENDA**

Motion was made by Jones, second by Lehmann to approve the adoption of the agenda. Motion carried 9-0.

**PRESENTATION**

The HRC/MOA gave a presentation about the National Humanities Alliance Conference they attended in Los Angeles, CA. Rapid City was one of three cities invited to the conference, which also included Nogales, AZ and Charleston, SC. They spoke of partner initiative projects, community discussions and ways to develop and improve racial relations in the community. LaFawn Janis, Lloyd LaCroix, Amy Sazue, Karen Mortimer and Laura Armstrong represented Rapid City at the conference.

**NON-PUBLIC HEARING ITEMS** -- Items 2 – 31

**CONSENT ITEMS** – Items 2 – 30

Motion was made by Lehmann, second by Armstrong to approve Consent Items 2-30. Motion carried 9-0, with no items being removed from the Consent Items.

***Approve Minutes***

2. Approve Minutes for the December 19, 2022 Regular Council meeting.
3. Approve Minutes for the December 27, 2022 Special Council meeting.

***Alcoholic Beverage License Applications Set for Hearing (Tuesday, January 17, 2023)***

4. Moyle Petroleum Company DBA Sheridan Lake Common Cents #105 for a new Package (off-sale) Liquor License at 2808 Sheridan Lake Road
5. Hana Korean Grill LLC DBA Hana Restaurant, 3550 Sturgis Road for a Retail (on-off sale) Wine and Cider license and a Retail (on-off sale) Malt Beverage & SD Farm Wine TRANSFER from Eni Tulistiya DBA Hana Restaurant, 3350 Sturgis Road

***Public Works Committee Consent Items***

6. PW122722-01: Approve Acceptance Of Infrastructure For Creek Drive Water Main Extension – Project 22-2617
7. PW122722-02: Authorize Staff To Advertise For Bids For RCFD Fire Training Facility Site Improvements Project #2529.

- 8. PW122722-03: 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
- 9. PW122722-04: Approve Change Order #1F To Mainline Contracting, Inc. For Trenchless Sanitary Sewer Rehabilitation, Project# 2075, CIP# 50818, For An Increase Of \$48,665.00.
- 10. PW122722-05: 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 \$45,327.
- 11. PW122722-06: Authorize Staff To Submit Transit Grant To FTA FFY2019/2021 5307 Formula Funds For Operating Assistance In The Amount Of \$2,276,659.
- 12. PW122722-07: Authorize The Director Of Public Works Or His Designee To Apply For, And If Awarded To Accept, Environmental Protection Agency (EPA) Grant Funding To Increase Our Current Education And Outreach Efforts.
- 13. PW122722-08: Authorize The Director Of Public Works Or His Designee To Apply For, And If Awarded To Accept, Environmental Protection Agency (EPA) Grant Funding To Expand Our Current Recycling Efforts.
- 14. PW122722-09: Approve Request From Kirby Johnson For A Variance To Waive The Requirement To Install Sidewalk Along Pinedale Heights Dr And Pinedale Circle, Rapid City, Per City Ordinance 12.08.060.

**Legal and Finance Committee Consent Items**

- 15. LF122822-05 – Authorize the HR Department to Conduct an RFP (Request for Proposal) for the AFSCME 2023 Wage Study
- 16. LF122822-02 – Authorize Mayor and Interim Finance Director to Sign Resolution No. 2022-095, a Resolution to Enter into a Lease Agreement with Nexstar Media Inc.

RESOLUTION NO. 2022-095  
 A RESOLUTION TO ENTER INTO A LEASE AGREEMENT  
 WITH NEXSTAR MEDIA INC.

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Interim Finance Director to sign the Lease Agreement between City of Rapid City and Nexstar Media Inc. and any other necessary documentation involving entering into a lease agreement with Nexstar Media Inc. for real property that is located in the Skyline Wilderness Area, Rapid City, South Dakota, and legally described as follows:

A 12' by 12' portion of Tract B of Tract S, Section 02, Township 1N, Range 07E, located in Skyline Wilderness Area, Rapid City, Pennington County, South Dakota

which property generally consists of a concrete pad, an anchor, and guy wire for Lessee’s outdoor telecommunications tower, upon the terms and conditions as reflected in the Lease Agreement between the City of Rapid City and Nexstar Media Inc.

Dated this 3rd day of January, 2023

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Tracy Davis  
 Interim Finance Director  
 (SEAL)

- 17. LF122822-03 – Authorize Mayor and Interim Finance Director to Sign Resolution No. 2022-093, a Resolution to Enter into a Use Agreement with Rapid City Youth Boxing, Inc.

RESOLUTION NO. 2022-093  
 A RESOLUTION TO ENTER INTO A USE AGREEMENT  
 WITH RAPID CITY YOUTH BOXING, INC.

BE IT RESOLVED by the City Council that the City of Rapid City authorizes the Mayor and Interim Finance Director to sign the Use Agreement between the City of Rapid City and Rapid City Youth Boxing, Inc. and any other necessary documentation involving entering into a use agreement with Rapid City Youth Boxing, Inc. for real property which is located at 200 East Main Street North, Rapid City, South Dakota, and legally described as follows:

A portion of Tract 29, Rapid City Greenway Tract, Rapid City, Pennington County, South Dakota

which property generally consists of an indoor boxing facility, upon the terms and conditions as reflected in the Use Agreement between the City of Rapid City and Rapid City Youth Boxing, Inc.

Dated this 3rd day of January, 2023

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Tracy Davis  
 Interim Finance Director  
 (SEAL)

- 18. LF122822-01 – Authorize Youth City Council for the expenditure matching the County of an amount up to \$13,000.00 to the Full Budgeted Amount of \$26,000 to Attend the National League of Cities – Congressional City Conference 2023.
- 19. LF122822-04 – Approve Resolution No. 2022-096 a Resolution Amending the Youth City Council Resolution 2021-099, as Amended by Resolution 2022-018, to Reflect that the Mayor has Authority to Review and Determine Approval of YCC Annual Budgeted Expenditures Under \$1,000, and Expenditures of \$1,000 or More shall be Presented to the Full City Council for Review and Approval as May be Determined

RESOLUTION NO. 2022-096  
 RESOLUTION TO AMEND YOUTH CITY COUNCIL BUDGET EXPENDITURE AUTHORIZATION

WHEREAS, the City of Rapid City authorized establishment of the Rapid City Youth City Council, by Resolution No. 2021-099, and

WHEREAS Resolution No. 2022-018 revised the original founding resolution, to require that all budget expenditures must be approved by the full City Council, and

WHEREAS the City Council wishes to return authorization of Youth City Council fund expenditures under \$1,000 to require the Mayor’s approval, with expenditure requests of \$1,000 or more continuing to be presented to the full City Council for final approval, be it hereby

RESOLVED that the Rapid City Youth City Council may present all requested budget expenditure authorizations of less than \$1,000 directly to the Mayor’s office for final approval, while continuing to present all requested budget expenditures of \$1,000 or more to the full City Council.

Dated this 3rd day of January, 2023

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:

s/ Tracy Davis  
Interim Finance Director  
(SEAL)

**CIP Committee Consent Items**

- 20. No. CIP121622-00 - Approve Minutes for September 16, 2022
- 21. No. CIP121622-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
- 22. No. CIP121622-04 – Approve Capital Plan for Fire Vehicles
- 23. No. CIP121622-05 – Approve Capital Plan for Parks & Recreation
- 24. No. CIP121622-06 – Approve Capital Plan for Information Technology
- 25. No. CIP121622-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
- 26. No. CIP121622-02 – Approve Capital Plan for PW Infrastructure
- 27. No. CIP121622-07 – Approve permission to transfer the balance of two completed projects to another Gov’t Buildings project “Parks Security Cameras” to cover an anticipated overage after scope of services changed during the project.

**Bid Award Consent Items**

- 28. CC120522-04.2 - 1. Approve award of negotiated bid for Sioux Park Tennis Courts Reconstruction, Project No. PR22-6186, opened on November 29, 2022 to the lowest responsible bidder, Complete Concrete, Inc., in the amount of \$2,997,837.00.
- 29. CC010323-04.1 - No bids were received December 27, 2022 for the Two (2) Current Model Year ½ Ton 4x4 Pickup Trucks. Staff recommends negotiating a contract in accordance with SDCL 5-18A-5(9).
- 30. CC010323-04.2 - No bids were received December 27, 2022 for the One (1) Current Model Year ¾ Ton 4x4 Pickup Truck. Staff recommends negotiating a contract in accordance with SDCL 5-18A-5(9).

END OF CONSENT ITEMS

**NON-CONSENT ITEMS** – Item 31

**Legal and Finance Committee Items**

Mayor Allender read in item (LF121422-13) Approve Directing City Attorney’s Office to Draft a Resolution to Prohibit Use of TikTok on all City-issued Devices, Restrict Access to TikTok on City Networks, and Prohibit City Accounts on the TikTok Platform (continued from December 19, 2022 City Council Meeting). Motion was made by Evans, second by Armstrong to table the item. Motion passed 8-1 with Salamun voting to talk about the item.

**PUBLIC HEARING ITEMS** – Items 32-42

**CONSENT PUBLIC HEARING ITEMS** – Items 32 – 41

**Alcohol Licenses**

- 32. MG Oil Company DBA Corner Pantry 8, 302 E North Street for a Package (off-sale) Liquor License TRANSFER from Atlantis LLC DBA Fairfield Inn & Suites by Marriott, 1314 N Elk Vale Rd

33. Cimarron Casino Inc. DBA Pot-O-Gold Too II, 840 Timmons Blvd, Suite 1A for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc., DBA Pot-O-Gold Casino Too II, 840 Timmons Blvd Suite 1A
34. Cimarron Casino Inc. DBA Pot-O-Gold Too I, 840 Timmons Blvd Ste 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Too I, 840 Timmons Blvd Suite 1
35. Cimarron Casino Inc. DBA Wyngard Pot-O-Gold Casino Inc., 530 Cambell Street Suite 2 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino III, 530 Cambell Street Suite 2
36. Cimarron Casino Inc. DBA Lucky D's Casino III, 1330 E St Patrick St Suite 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino III, 1330 E St Patrick St Suite 1
37. Cimarron Casino Inc. DBA Lucky D's Casino, 1330 E St Patrick St, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino, 1330 E St Patrick St
38. Cimarron Casino Inc. DBA Pot-O-Gold Casino II, 530 Cambell Street Suite 1A for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino II, 530 Cambell Street Suite 1A
39. Cimarron Casino Inc. DBA Pot-O-Gold Casino, 530 Cambell Street Suite 1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino, 530 Cambell Street Suite 1
40. Cimarron Casino Inc. DBA Lucky D's Casino II, 1330 E St Patrick St Suite 2, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Lucky D's Casino II, 1330 E St Patrick St Suite 2
41. Cimarron Casino Inc. DBA Pot-O-Gold Casino Too III, 840 Timmons Blvd Ste 7A , for a Retail (on-off sale) Malt Beverage & SD Farm Wine License with Video Lottery TRANSFER from Wyngard Pot-O-Gold Casino Inc. DBA Pot-O-Gold Casino Too III, 840 Timmons Blvd Ste 7A

Motion was made by Lehmann, second by Roberts to approve items 32-41. Motion carried 9-0.

#### END OF CONSENT PUBLIC HEARING CALENDAR

#### **NON-CONSENT PUBLIC HEARING ITEMS** – Item 42

Mayor Allender read in item (22VR007) Approve Resolution 2022-087 – A Resolution For A Vacation Of A Section Line Right-Of-Way For Property Generally Described As Being Located West Of Highway 79, South Of Wasteland Subdivision. Motion was made by Nordstrom, second by Roberts to approve. Motion carried 9-0.

#### Resolution 2022-087 Resolution of Vacation of Section-Line Highway

WHEREAS it appears that the Section Line Highway lying between that part of Section 19 lying in a portion of Tract A of Wasteland Subdivision and the NE1/4 of the NW1/4, the NW1/4 of the NE1/4 and a portion of the NE1/4 of the NE1/4 of Section 30, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Highway 79, south of Wasteland Subdivision, is not needed for public purposes; and

WHEREAS the owner(s) of property adjoining to the above-described Section Line Highway desire(s) said public Section Line Highway to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public section line right-of-way heretofore described, and as shown on Exhibit "A", kept at the Finance Office, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Interim Finance Director are hereby authorized to execute a release of public Section Line Highway in regard thereto.

Dated this 3rd day of January, 2023

CITY OF RAPID CITY  
s/ Steve Allender  
 Mayor

ATTEST:  
s/ Tracy Davis  
 Interim Finance Director  
 (SEAL)

Jones called for a Point of Privilege and said he was happy that the new Sioux Park Tennis Court project is moving forward. He said the tennis courts are much needed and is excited to see the end result.

**BILLS**

**BILL LIST - JANUARY 3, 2023**

SOUTH DAKOTA DEPARTMENT OF REVENUE, NOV22 SALES TAX PAYABLE, PD 12/27/22	57,712.75
SOUTH DAKOTA DEPARTMENT OF REVENUE, NOV22 EXCISE TAX PAYABLE, PD 12/27/22	217.98
SOUTH DAKOTA DEPARTMENT OF REVENUE, NOV22 CCTR SALES TAX PAYABLE PD 12/27/22	41,645.69
WELLMARK INC, HEALTH CLAIMS THROUGH 12/23/22, PD 12/29/22	116,698.88
WAGE WORKS, SECTION 125 CLAIMS THROUGH 12/27/22, PD 12/28/22	13,373.44
RISK ADMINISTRATION SERVICES INC WORK COMP CLAIMS THROUGH 12/28/22, PD 12/29/22	6,036.15
BLACK HILLS COMMUNITY BANK, PARKS EQUIPMENT PRINC & INT	2,667.77
BLACK HILLS COMMUNITY BANK, EXECUTIVE GOLF EQUIPMENT PRINC & INT	2,670.67
BLACK HILLS COMMUNITY BANK, GRINDER PRINC & INT	9,001.22
BLACK HILLS INSURANCE, 2023 INSURANCE PREMIUMS	1,648,712.15
IIARC, 2023 WORK COMP PREMIUM	599,564.00
IIARC, 2023 WORK COMP PREMIUM - CDEV	287.00
IIARC, 2023 AIRPORT GENERAL LIABILITY PREMIUM	40,003.00
CITY-LIABILITY INSURANCE FUND, 2023 LIABILITY INSURANCE	301,364.58
CITY-WORKERS COMPENSATION FUND, 2023 WORK COMP	959,302.00
CITY-WORKERS COMPENSATION FUND, 2023 WORK COMP - CDEV	459.00
HUMANE SOCIETY OF THE BLACK HILLS, JAN23 HUMANE SOCIETY	32,604.17
US BANK NATIONAL ASSOCIATION, 2019A AIRPORT BOND PAYMENT	60,075.00
US BANK TRUST, SRF CLEAN WATER #6 PAYMENT	84,583.36
US BANK TRUST, SRF DRINKING WATER #2 PAYMENT	105,933.32
US BANK, CREDIT CARD CHARGES, PD 12/29/22	61,679.50
BLACK HILLS ENERGY, ELECTRICITY, PD 12/28/22	99,270.01
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 12/28/22	432.18
SUBTOTAL	4,244,293.82
RSVP, BLACK HILLS INSURANCE - 2023 INSURANCE PREMIUMS	297.00
RSVP, IIARC - 2023 WORK COMP PREMIUM	29.00
RSVP, CITY-LIABILITY INSURANCE FUND - 2023 LIABILITY INSURANCE	148.50
RSVP, CITY-WORKERS COMPENSATION FUND - 2023 WORK COMP	47.00
TOTAL	4,244,815.32

Davis presented the bill list of \$4,244,815.32. Motion was made by Salamun, second by Nordstrom and carried to authorize (No. CC010323-01) the Interim Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 9-0.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Lehmann, second by Nordstrom and carried to adjourn the meeting at 6:47 p.m.

Dated this 3rd day of January, 2023

CITY OF RAPID CITY  
s/ Steve Allender  
Mayor

ATTEST:  
s/ Tracy Davis  
Interim Finance Director  
(SEAL)