

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M., August 7, 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 Monday, August 7, 2023, at 6:30 P.M.

The following members were present: Mayor Jason Salamun and the following Alderpersons: Greg Strommen, Lindsey Seachris, Kevin Maher, Pat Roseland, Rod Pettigrew, Bill Evans, Lance Lehmann, and John Roberts; the following were absent: Josh Biberdorf and 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 Project Manager Roger Hall, Community Development Director Vicki Fisher, Finance Director Daniel Ainslie, Parks and Recreation Director Jeff Biegler, Planning Project Manager Sarah Hanzel, IT Director Jim Gilbert, Grants Manager Jamie Toennies, Communications Coordinator Darrell Shoemaker, and Sr. Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Roberts, second by Seachris and carried 8-0 to adopt the agenda.

AWARDS AND RECOGNITIONS

Mayor Salamun presented the Sustainability Award to Rapid City Garden Club. Their work and efforts have contributed to the quality of Rapid City residents for more than 75 years. Their group promotes community beautification, the importance of gardening and gardens to the community and plant education. The Club currently maintains three community gardens in Rapid City: Memory Lane, located behind the Monument Health's Behavioral Health facility, the Educational Garden behind the Canyon Lake Activity Center and the Butterfly Garden at Canyon Lake Park. Donations by the Club include park benches along the City's bike path and other local and state organizations.

GENERAL PUBLIC COMMENT

Andrea Serna and Tammy Hopp with Black Hills Works thanked the council for their partnership with the RC Arts Council who helped with funds for the summer performances. They are thankful for the bocce ball courts. They thanked the RCPD for a great collaboration with BH Works and how they work with children with disabilities and Special Olympics. Ron Jefferies, General Manager of the Central States Fair, invited the council and residents to the fair being held August 18-26. He said there is entertainment for kids and special nights for the military and emergency responders. They have added more lighting, parking and security. Carla Schanzenbach addressed the council regarding crime taking place around her four rental properties. She asked for help concerning this. Domico Rodriguez with the RC Sports Commission spoke on behalf of the LNI tournament. They are working to make the tournament one of the largest in the world. Robert Mommaerts asked questions about resources for the homeless and addressed concerns he had in our area.

NON-PUBLIC HEARING ITEMS -- Items 2 - 63

Hani Shafai, President of Dream Designs requested that the council approve the request for an exception on item (PW080123-26) for the sidewalk to be more than one foot from the ROW on Addison Avenue.

CONSENT ITEMS – Items 2 – 57

The following items were removed from the Consent Items:

- 34. PW080123-26: Deny Request From KTM Design Solutions, Inc. to Appeal a Denied Exception Request to allow for sidewalk to be more than one foot from the right-of-way on Addison Avenue
- 42. LF080223-13 – Approve Resolution No. 2023-071 a Resolution in Support of Scull Construction’s Application to the SD Housing Infrastructure Financing Program for their Reservoir Road Project
- 52. LF080223-22 – Authorize Mayor and Finance Director to Sign Journey On Contract Amendments to Support Local At-Risk Youth through Safe Passage and High-Risk Intervention Programs using the Community Violence Intervention and Prevention Initiative Grant in the Amount of \$972,450.00 Over a 3 Year Period

Motion was made by Roseland, second by Evans and carried 8-0 to approve Consent Items 2-57 with the exception of items 34, 42 and 52.

Approve Minutes

- 2. Approve Minutes for the July 17, 2023 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (August 21, 2023)

- 3. MG Oil Company, DBA Jokerz 9 – 2, 903 E North St Suite A for a Retail (on-off sale) Malt Beverage and SD Farm Wine License with video lottery TRANSFER from Deanos Casino II, 903 E North St Suite A
- 4. MG Oil Company DBA Jokerz 9, 903 E North St, for a Retail (on-off sale) Malt Beverage and SD Farm Wine License with video lottery TRANSFER from Deanos Casino, 903 E North Street
- 5. Western Dakota Tech Foundation for a SPECIAL EVENT (on-sale) Malt Beverage License, an (On-Sale) Wine License and an (Off-Sale) Package Wine License for an event scheduled for October 26, 2023 at Western Dakota Tech, 800 Michelson Drive
- 6. West Boulevard Neighborhood Association for a SPECIAL EVENT (on-sale) Malt Beverage and SD Farm Wine License and an (on-sale) Wine License for an event scheduled for September 9, 2023 at the West Boulevard Neighborhood Association Block Party. *(There is a map on file at the RC Finance Office for the parameters of the block party.)*
- 7. Naja Shrine for four (4) SPECIAL EVENT (On-Sale) Liquor Licenses for events scheduled on September 23, 2023; October 21, 2023; November 18, 2023; and December 16, 2023 at 4091 Sturgis Road
- 8. City of Rapid City DBA Roosevelt Ice Arena for a new Municipal Retail (on-sale) Liquor License at 225 Waterloo Street; City of Rapid City DBA Meadowbrook Golf Course for a new Municipal Retail (on-sale) Liquor License at 2331 Arrowhead Drive (Rapid City Greenway Tract, Tract 4 & N27’ of VAC Flormann St); City of Rapid City DBA Executive Golf Course for a new Municipal Retail (on-sale) Liquor License at 1136 Executive Dr (Rapid City Greenway Tract, Tract 18B) and City of Rapid City DBA Rushmore Plaza Civic Center for a new Municipal Retail (on-sale) Liquor License at 444 N. Mt. Rushmore Rd

Public Works Committee Consent Items

- 9. PW080123-01: Authorize Staff to Advertise for Bids for Two (2) New Current Model Year 4x4 Crew Cab Pickup Trucks for the Public Works Department. Estimated Cost \$90,000.
- 10. PW080123-02: Authorize Staff to Advertise for Bids for the Enchantment Road PRV CP and Repair Project No. 20-2590/CIP 51261. Cost: \$100,000.
- 11. PW080123-03: Authorize Staff to Advertise for Bids for St. Charles Street Rehabilitation and Water Main Replacement Project No. 23-2670/ CIP No. 51406. Estimated Cost \$300,000.
- 12. PW080123-04: Authorize Staff to Advertise for Bids for the Shepherd Hills Water Booster Pump Station, Project Number 21-2682/ CIP No. 51338. Cost: \$4,000,000.
- 13. PW080123-05: Authorize Staff to Advertise for Bids for the ADA Improvements - 2023 Projects, Project No. 22-2729 / CIP 50761.23A. Cost: \$205,000
- 14. PW080123-06: Authorize Staff to Advertise for Bids for 2023 Roadway Paving: East Saint Charles Street – Sedivy Lane to South Valley Drive, Project No. 23-2746 / CIP No. 50297 for \$303,000.

15. PW080123-07: Approve Revised Change Order 3F for Project No. 19-2487 / CIP No. 51036 St. Cloud Street Reconstruction Project – 5th Street to Highland Court with R.C.S. Construction, Inc. for a decrease of \$237,892.11.
16. PW080123-08: Approve Change Order 1 for Project No. 19-2529 / CIP No. 51250 Fire Department Training Facility with R.C.S. Construction, Inc. for an increase of \$107,854.00.
17. PW080123-09: Approve Change Order 4 for Project No. 21-2574 / CIP No. 51305 Well 5 Pump Replacement & Electrical Improvements with Layne Christiansen Company for an increase of \$105,455.00.
18. PW080123-10: Approve Revised Change Order 1F for Project No. 22-2709 / CIP No. 50445.22B 5th Street Panel Repair Parkview to Minnesota with Tru-Form Construction, Inc. For A Decrease of \$112,369.86.
19. PW080123-11: Authorize Mayor and Finance Director to Sign an Infill Agreement Between The City Of Rapid City And Holiday Stationstores, LLC For The Construction Of Public Improvements In The East Fairmont Boulevard Right-Of-Way.
20. PW080123-12: Authorize Mayor and Finance Director to Sign Professional Services Agreement Between the City of Rapid City and Burns & McDonnell Engineering Company, Inc for Water Reclamation Facility South Plant Improvements Construction Package 2, Owner Risk Assessment, Project No. 2629.4 /CIP 51129.4, for an amount not to exceed \$119,532.00.
21. PW080123-13: Authorize Mayor and Finance Director to Sign Agreement for Utility Relocation between the City of Rapid City and West River Electric Association, Inc for Utility Relocation related to Dyess Avenue Reconstruction - Seger Drive to City Limits, Project No. 20-2630 / CIP No. 51282. Estimated Cost \$85,000.00.
22. PW080123-14: Authorize Mayor and Finance Director to Sign agreement between the City of Rapid City and HDR Engineering, Inc. for Professional Services for Miscellaneous Improvements Projects, Project Number: 23 - 2753 / CIP #51292 in the amount of \$898,071.
23. PW080123-15: Authorize Mayor and Finance Director to Sign Professional Services Agreement Between the City of Rapid City and Foth Infrastructure and Environment, LLC, for Elk Vale Lift Station Equipment Improvements, Project No. 23-2755 / CIP No. 51394, for an amount not to exceed \$342,108.00.
24. PW080123-16: Authorize Mayor and Finance Director to Sign Professional Services Agreement Between the City of Rapid City and Dakota Pump, Inc. for SCADA Professional Services – Solid Waste, Project No. 23-2749, CIP No. 51391, for an amount not to exceed \$50,000.00.
25. PW080123-17: Authorize Mayor and Finance Director to Sign Professional Services Agreement Between the City of Rapid City and Dakota Pump, Inc. for SCADA Professional Services – Water, Project No. 23-2750, CIP No. 51392, for an amount not to exceed \$75,000.00.
26. PW080123-18: Authorize Mayor and Finance Director to Sign Professional Services Agreement Between the City of Rapid City and Dakota Pump, Inc. for SCADA Professional Services – Water Reclamation, Project No. 23-2748, CIP No. 51390, for an amount not to exceed \$75,000.00.
27. PW080123-19: Authorize Mayor and Finance Director to Sign the “State of South Dakota Joint Powers Maintenance and Encroachment Agreement between Department of Transportation and City of Rapid City”, for the San Marco Boulevard Bridge Replacement Project, Project No. 20-2581 / CIP No. 51194.
28. PW080123-20: Authorize Staff to Purchase Materials To Update Existing Traffic Signal Controllers At Thirty (30) Traffic Signals Throughout The City And Convert Five (5) Intersections To Accessible Pedestrian Signal (APS) Push Buttons. This Is A Sole Source Through Traffic Signal Control And Mobotrex Matching Contract Pricing For WyoDOT
29. PW080123-21: Request From Dakota Land Company, LLC for a variance to waive the requirement to install sidewalk along Highway 79 and Ambush Ranch Road, Ranch at Black Gap Subdivision, per City Ordinance 12.08.060.
30. PW080123-22: Approve Request From Jenney & Wayne Sartorius for a variance to waive the requirement to install sidewalk along Timberline Trail and any access easements, per City Ordinance 12.08.060.

- 31. PW080123-23: Confirm the reappointment of Cole Anderson and Sheila Hoyer and appointment of Jason Luze to the Rapid City Area Air Quality Board.
- 32. PW080123-24: Confirm the reappointments of Steve Malone and James Stampe to the Building Board of Appeals.
- 33. PW080123-25: Confirm the reappointment of Carol Evan Saunders, Jenn Johnson and Emily Calhoun to the Historic Preservation Commission.

Legal & Finance Committee Consent Items

- 35. LF080223-01 – Confirm the Appointments of Tiffany Smith and Wade Lampert to the Community Investment Committee
- 36. LF080223-03 – Confirm the Reappointment of Stacie Hull, Gavin Fawbush, and Logan Steffens to the Hotel BID Board
- 37. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: William Shroll (RSVP+)
- 38. LF080223-04 – Approve Resolution No. 2023-064 a Resolution Updating Petty Cash Funds and Change Funds

RESOLUTION 2023-064
A RESOLUTION TO UPDATE PETTY CASH FUNDS AND CHANGE FUNDS

WHEREAS, the City Council previously adopted Resolution 2019-018 Re-Establishing Petty Cash Funds and Change Funds; and

WHERE AS, the City Council previously adopted Resolution 2019-091 A Resolution to Update Petty Cash and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2020-004 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-045 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-068 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-075 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2021-103 A Resolution to Update Petty Cash Funds and Change Funds,

WHERE AS, the City Council previously adopted Resolution 2022-044 A Resolution to Update Petty Cash Funds and Change Funds,

WHEREAS, the Cash Handling Audits I and II prepared by Compass have made the recommendation that the Finance Office create and maintain a complete and accurate list of all petty cash funds, change funds and travel funds; and

WHEREAS, such list should properly be supported by City Council resolutions; and

WHEREAS, the following adjustments are necessary for the City to continue to operate effectively:

Airport	Petty Cash – Cash Machine	(\$900.00)
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Airport	Parking Kiosk Change Fund	\$350.00
Library	Administration Change Fund	(\$75.00)

NOW, THEREFORE, BE IT RESOLVED, that the Airport Petty Cash – Cash Machine is decreased by \$900.00, the Airport Parking Kiosk Change Fund is established at \$350.00, and Library – Administration Change Fund is decreased by \$75.00.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 39. LF080223-05 – Approve Resolution No. 2023-067 a Resolution Cancelling Checks or Warrants Not Presented for Payment within One Year of Date of Issuance

RESOLUTION #2023-067
RESOLUTION CANCELLING CHECKS OR WARRANTS NOT PRESENTED FOR
PAYMENT WITHIN ONE YEAR OF DATE OF ISSUANCE

WHEREAS SDCL 9-23-21 authorizes the governing body, by resolution, to cancel any check or warrant not presented for payment within one year of the date of issuance: and

WHEREAS the attached Appendix A contains a list of such checks not presented for payment within one year of the date of issuance; and

WHEREAS detailed information on the checks and warrants listed on Appendix A is on file and available for public inspection during normal business hours in the City Finance Office.

NOW, THEREFORE, BE IT RESOLVED that the checks shown on Appendix A totaling \$23,077.69 which have not been presented for payment within one year from the date of issuance be cancelled. Appendix A can be viewed at the Rapid City Finance Office.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 40. LF080223-06 – Acknowledge May 2023 Sales Tax Reports
- 41. LF080223-09 – Acknowledge Report on Retail (on-off sale) Malt Beverage Licenses Eligible for Video Lottery
- 43. LF080223-17 – Authorize Staff to Submit an Application and Authorize Mayor to Sign Resolution No. 2023-072 a Resolution in Support of the City of Rapid City’s Application to the SD Housing Infrastructure Financing Program for the 143rd & Country Road Project

RESOLUTION NO. 2023-072
A RESOLUTION IN SUPPORT OF THE CITY OF RAPID CITY'S SD HOUSING INFRASTRUCTURE APPLICATION FOR 143RD & COUNTRY RD.

Whereas, the City of Rapid City wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, the City of Rapid City has submitted preliminary plans for the public infrastructure for the 143rd & Country Rd. housing infrastructure to support the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 44. LF080223-18 – Authorize Staff to Submit an Application and Authorize Mayor to Sign Resolution No. 2023-073 a Resolution in Support of the City of Rapid City's Application to the SD Housing Infrastructure Financing Program for the Sheridan Lake Road Project

RESOLUTION NO. 2023-073
A RESOLUTION IN SUPPORT OF THE CITY OF RAPID CITY'S SD HOUSING INFRASTRUCTURE APPLICATION FOR SHERIDAN LAKE RD.

Whereas, the City of Rapid City wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, the City of Rapid City has submitted preliminary plans for the public infrastructure for the Sheridan Lake Road housing infrastructure to be located in the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 45. LF080223-19 – Approve Resolution No. 2023-068 a Resolution in Support of Black Hills Works Application to the SD Housing Infrastructure Financing Program for Their Duplex Project on Oakland Street

RESOLUTION NO. 2023-068
A RESOLUTION IN SUPPORT OF BLACK HILLS WORK’S SD HOUSING
INFRASTRUCTURE APPLICATION

Whereas, Black Hills Works wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, Black Hills Works has submitted preliminary plans for the public infrastructure for the Oakland Street Duplex housing development to be located in the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 46. LF080223-20 – Approve Resolution No. 2023-069 a Resolution in Support of Dream Design’s Application to the SD Housing Infrastructure Financing Program for Their Shepherd Hills Project on Valley Drive

RESOLUTION NO. 2023-069
A RESOLUTION IN SUPPORT OF DREAM DESIGN’S SD HOUSING
INFRASTRUCTURE APPLICATION

Whereas, Dream Design wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, Dream Design has submitted preliminary plans for the public infrastructure for the Shepherd Hills North Valley Drive Extension housing development to be located in the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 47. LF080223-21 – Approve Resolution No. 2023-070 a Resolution in Support of Elmington Capital’s Application to the SD Housing Infrastructure Financing Program for the Camden Heights Project

RESOLUTION NO. 2023-070
A RESOLUTION IN SUPPORT OF ELMINGTON CAPITALS' SD HOUSING
INFRASTRUCTURE APPLICATION

Whereas, Elmington Capital wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, Elmington Capital has submitted preliminary plans for the public infrastructure for the Camden Heights housing development to be located in the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 48. LF080223-02 – Authorize Mayor and Finance Director to Sign Memorandum of Agreement Between City of Rapid City and International Association of Firefighters Local 1040 Concerning Mutual Mistake in Pay Matrixes in Parties' Collective Bargaining Agreement from 2017-2022
- 49. LF080223-08 – Authorize Staff to Enter Agreement with PCC Ambulance Billing Service to Secure a Fee at a Rate of 5.75% of Net Collections
- 50. LF080223-11 – Approve Request to Apply and Accept if Granted, the 2023 JAG Grant in the Amount of \$119,895 to Purchase Forensic Equipment and Digital Evidence Storage
- 51. LF080223-12 – Approve Request for Permission to Extend the Contract with Great Plains Tribal Leaders Health Board for Co-Response Services through August 21, 2025, or Until Grant Funding is Expended
- 53. LF080223-16 – Approve Resolution No. 2023-066 a Resolution to Provide a Building Permit Fee Waiver Program for Qualifying Affordable Housing Projects

Resolution No. 2023-066
RESOLUTION TO PROVIDE A BUILDING PERMIT FEE WAIVER PROGRAM
FOR QUALIFYING AFFORDABLE HOUSING PROJECTS

WHEREAS, the City has adopted fees for building permits based upon the costs of administering the program; and

WHEREAS, the City desires to aid affordable housing projects in a variety of ways; and

WHEREAS, limiting building permit fees is one way in which the City can encourage affordable housing projects; and

WHEREAS, the City limits building permit fees in a similar way for building projects constructed by taxpayer-funded entities such as Pennington County and the Rapid City Area School District; and

WHEREAS, the qualifying eligible programs target 80% of Area Median Income or less and have minimum affordability periods of 5 – 30 years; and,

WHEREAS, the Common Council finds it in the best interests of the City of Rapid City to limit building permit fees as described,

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that permit fees may be waived for qualifying affordable housing projects, as follows:

Fee waiver for qualifying affordable housing projects.

A. Waiver of fees. All fees due and payable under Rapid City Municipal Code Chapter 15, and pursuant to any resolution of the Common Council, with the exception of fees attributable to permits or portions of permits required by the Electrical Code adopted by Chapter 15.16 of the Rapid City Municipal Code, shall be waived upon request of the applicant if the requirements of this section are met. However, the applicant shall pay for inspections as determined by the Building Official at the rate set by resolution of the Common Council.

B. Eligibility. The following affordable housing projects are eligible for the fee waiver provided by this section:

1. Projects funded by the Community Development Block Grant Program that meet the national objective of benefitting low and moderate income persons;
2. Projects owned and managed by the Pennington County Housing and Redevelopment Commission;
3. Projects that qualify for the Affordable Housing Seven Year Tax Abatement from Pennington County;
4. Projects funded by the South Dakota Housing Development Authority’s HOME Program;
5. Projects allocated tax credits by the South Dakota Housing Development Authority’s Housing Tax Credit Program;
6. Projects funded by the South Dakota Housing Development Authority’s Housing Trust Fund; and
7. Projects funded by the South Dakota Housing Development Authority’s Rental Housing Development Bond Financing Program.

C. Non-Eligibility. Housing projects funded through the South Dakota Housing Development Authority’s Housing Infrastructure Financing Program are not eligible for the fee waiver.

D. Certification of eligibility. Applicants must provide proof of eligibility at the time of applying for a permit. Upon receipt of such proof, the Community Development Director, or their designee, shall waive fees, as described above.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY

s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

- 54. LF080223-14 – Authorize Mayor and Finance Director to Sign Developer Agreement for TID 89
- 55. LF080223-15 – Authorize Mayor and Finance Director to Sign Assignment Agreement for Tax Increment Financing District Number Eighty-Nine

Bid Award Consent Items

- 56. CC071723-04.2 - Reject bid and rebid at a later date for Project No. 22-2734 / CIP No. 51385 of One (1) Trailer Mounted Portable Booster Pump and One (1) Trailer Mounted Hose Reel Project No. 22-2734 / CIP No 51385 opened on July 11, 2023. (*This item was continued from the July 17, 2023 City Council Meeting.*)
- 57. CC080723-04.1 – Award bid total for Ice Sanding Material for Streets Division to Western Construction, Inc. opened on August 1, 2023, in the amount of \$264,250.00. Project No. 2023-09.

END OF CONSENT ITEMS

Mayor Salamun read in item (PW080123-26) Deny Request From KTM Design Solutions, Inc. to Appeal a Denied Exception Request to allow for sidewalk to be more than one foot from the right-of-way on Addison Avenue. Roberts said the request is not to waive sidewalks, but to move it closer to the ROW. Motion was made by Roberts, second by Strommen and carried 8-0 to approve the exception.

Mayor Salamun read in item (LF080223-13) Approve Resolution No. 2023-071 a Resolution in Support of Scull Construction’s Application to the SD Housing Infrastructure Financing Program for their Reservoir Road Project. Finance Director Ainslie said the application is for Ennen Development LLC and not Scull Construction. He neglected to get it changed before it went to Legal and Finance. Motion was made by Roberts, second by Strommen and carried 8-0 to approve with the change.

RESOLUTION NO. 2023-071
A RESOLUTION IN SUPPORT OF THE ENNEN DEVELOPMENT LLC’S SD HOUSING
INFRASTRUCTURE APPLICATION

Whereas, Ennen Development LLC wishes to apply for Housing Infrastructure Funding Program assistance from the South Dakota Housing Development Authority;

Whereas, Ennen Development LLC has submitted preliminary plans for the public infrastructure for their Reservoir Road housing development to be located in the City of Rapid City;

Whereas, the submitted plans have been determined to satisfy the requirements of the City of Rapid City;

Whereas, the City of Rapid City has the capacity to support the proposed public infrastructure project and has adequate water supply, water treatment facilities, and wastewater treatment facilities available for the housing to be supported by this public infrastructure project; and

Whereas, the proposed public infrastructure will be maintained by the City of Rapid City on an ongoing and long-term basis;

Now, therefore, be it resolved that City of Rapid City by way of this resolution hereby approves the proposed housing infrastructure project and acknowledges and agrees to the provisions set forth in this resolution.

I, Jason Salamun Mayor of the City of Rapid City do hereby certify that the foregoing resolution was passed by the City of Rapid City at a meeting thereof held on the 7th day of August 2023.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

Mayor Salamun read in item (LF080223-22) Authorize Mayor and Finance Director to Sign Journey On Contract Amendments to Support Local At-Risk Youth through Safe Passage and High-Risk Intervention Programs using the Community Violence Intervention and Prevention Initiative Grant in the Amount of \$972,450.00 Over a 3 Year Period. Lehmann asked to abstain. Motion was made by Roberts, second by Strommen to approve. Motion carried 7-0 with Lehmann abstaining to approve.

NON-CONSENT ITEMS – Items 58 – 63

David Hanna spoke on item (LF080223-24) and the wonderful work of Wildfire Labs, and how they have brought small high-tech groups to develop software in Rapid City. He said Property Meld has now employed 70 people and values their work here. Doris Lauing with SD Stockgrowers said this has been a learning process. She wants the city to consider the historic value of their building. She spoke on the easement and the potential green space. She asked that any fees be waived for any easements.

Ordinances

Mayor Salamun read in item (LF071223-10) Second Reading of Ordinance No. 6577 an Ordinance to Require a Majority Vote for Election to the Offices of Mayor and Alderman by Adding Section 1.16.030 to Chapter 1.16 of the Rapid City Municipal Code. Having passed its first reading on July 17, 2023, motion was made by Roberts, second by Maher that the title be read the second time. Upon vote being taken, the following voted AYE: Strommen, Maher, Lehmann, Evans, Pettigrew, Seachris, Roberts and Roseland; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 6577 was declared duly passed upon its second reading.

Mayor Salamun read in item (LF080223-07) First Reading of Ordinance No. 6579 an Ordinance Regarding Supplemental Appropriation #3 for 2023. Motion was made by Roberts, second by Lehmann and carried 8-0 that Ordinance 6579 be placed on it's first reading and the title was fully and distinctly read and the second reading be set for August 21, 2023.

Mayor Salamun read in item (No. 23RZ010) First Reading, Ordinance 6578, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for S.K.Y. Properties LLC for a Rezoning request from General Agricultural District to Low Density Residential District for property generally described as being located east of Mount Rushmore Road. Motion was made by Seachris, second by Maher and carried 8-0 that Ordinance 6578 be placed on it's first reading and the title was fully and distinctly read and the second reading be set for August 21, 2023.

Legal & Finance Committee Items

Mayor Salamun read in item (LF080223-24) Provide Direction to Staff Regarding a Request from the South Dakota Stockgrowers Association (SDSGA) to be provided a Non-Revocable, No-Build Easement on the Adjoining City Property along with an Easement to Protect the Stairwell that Currently Provides Access to the Basement of its Building at 426 Saint Joseph Street. In response to a request from Todd Gagne, the Chair allowed a short presentation about Wildfire Labs, Property Meld and Elevate. Evans acknowledged the cooperative spirit between Property Meld and the Stockgrowers Association. Roseland said he viewed the building and thinks building on the backside is appropriate. Motion was made by Roberts that a new survey be ordered, that the attorney's office put together an easement and that the Stockgrowers not be charged for it, second by Lehmann. He said the City should rectify the mistake that was made in the 1950's. Pettigrew thinks the easement should be given a value. Landeen said the survey would determine the parameters, so the easement can be drawn up and Property Meld can move forward with their design. Roberts said the survey can be done internally and shouldn't take that long. Seachris is in support of protecting the area for the Stockgrowers. The two parties want to work with each other in order to compromise on the desired outcome for both parties. Motion passes 8-0.

Mayor Salamun read in item (LF080223-25) Authorize Mayor and Finance Officer to Sign Real Estate Transfer Agreement Between the City of Rapid City, Elevate Rapid City, and 11 Main LLC for the Property Generally Located at 416 Saint Joseph Street. Motion was made by Roberts, second by Lehmann to approve. In response to a question from Seachris, Director Fisher showed the available parking in the different zones in the Downtown area. She indicated that parking has never gone over 80% capacity. Roberts clarified that he wanted to approve the amended agreement and not the original agreement. Lehmann agreed to second that motion. Strommen doesn't think council is taking a strong enough look at parking and feels it's a disservice to the downtown businesses. He is not comfortable with the contract and indicated the city should be investing in more parking. Pettigrew agreed with Strommen. Evans stated he was not ready to vote tonight and the agreement could be better. Motion to approve carried 5-3 with Strommen, Pettigrew and Evans voting no.

Community Planning & Development Services Department Items

Mayor Salamun read in item (No. 23PL046) - A request by Towey Design Group, Inc for Wolfpack Holdings LLC for a Preliminary Subdivision Plan for Lot B and Lot C of the SE1/4SE1/4, generally described as being located northwest of the intersection of SD Highway 44 and Airport Road. Motion was made by Roberts, second by Evans and carried 8-0 to approve with the following stipulations: 1. Upon the submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City for the maintenance and ownership of any proposed drainage elements. A Major Drainage Easement shall be dedicated for all drainage improvements; 2. Upon the submittal of a Final Plat application, Covenant Agreements shall be entered into with the City ensuring that: (a) Fire suppression systems are installed in any new residential structures that result 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 the National Fire Protection Act 13, 13R, and 13D as applicable; and, (b) Fire apparatus turnarounds are provided at the terminus of the future driveways of Lots B and C if required.

PUBLIC HEARING ITEMS – Items 64 – 66

CONSENT PUBLIC HEARING ITEMS – Item 64 - 66

Mayor Salamun acknowledged items 64-66. Motion was made by Roberts, second by Lehmann and carried 8-0 to approve items 64, 65 and 66.

Alcohol Licenses

64. Hotel Alex Johnson for a SPECIAL EVENT (On-Sale) Malt Beverage License and a (On-sale) Wine License for an event scheduled for August 17, 2023 at Omni Tech, 11 Main Street
65. Contraband LLC DBA Contraband LLC, 801 Deadwood Ave for a Retail (on-off sale) Malt Beverage and SD Farm Wine License TRANSFER from Contraband LLC, DBA Contraband LLC, 601 Kansas City St Ste 6

Assessment Rolls

66. LF080223-10 – Approve Resolution No. 2023-060B a Resolution Levying Assessment for Downtown Business Improvement District 2023

RESOLUTION NO. 2023-060B
RESOLUTION LEVYING ASSESSMENT FOR
DOWNTOWN BUSINESS IMPROVEMENT DISTRICT 2023

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 Business Improvement District 2023 is the amount stated in the proposed assessment roll.
- 2. The Assessment Roll for Business Improvement District 2023 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%). A copy of the assessment roll can be viewed at the Rapid City Finance Office.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
Mayor

ATTEST:
s/ Daniel Ainslie
Finance Director
(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

Motion was made by Lehmann, second by Roseland and carried 8-0 to go into Executive Session at 8:00 p.m. to discuss the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee and to consult with legal counsel about proposed or pending litigation and contractual matters pursuant to SDCL 1-25-2 sub-sections 1 and 3. Motion was made by Roseland, second by Lehmann and carried 8-0 to come out of Executive Session at 8:24 p.m. will all eight members present. No action was taken.

BILLS

BILL LIST -AUG 07, 2023

P/ROLL PERIOD END 07/15/23, PD 07/21/23	2,776,567.09
CDEV P/ROLL PERIOD END 07/15/23, PD 07/21/23	4,638.13
PIONEER BANK & TRUST, 07/15/23 P/ROLL TAXES, PD 07/21/23	723,472.89
PIONEER BANK & TRUST, SUPP P/ROLL TAXES, PD 07/26/23	56.04
CDEV PIONEER BANK & TRUST, 07/15/23 P/ROLL TAXES, PD 07/21/23	1,172.62
SOUTH DAKOTA DEPARTMENT OF REV JUN23 SALES TAX PAYABLE, PD 07/25/23	83,552.92
SOUTH DAKOTA DEPARTMENT OF REV JUN23 EXCISE TAX PAYABLE, PD 07/25/23	241.00
SOUTH DAKOTA DEPARTMENT OF REV JUN23 CCTR SALES TAX PAYABLE PD 07/25/23	8,594.18

WELLMARK INC, HEALTH CLAIMS THROUGH 07/14/23, PD 07/20/23	300,301.27
WELLMARK INC, HEALTH CLAIMS THROUGH 07/21/23, PD 07/27/23	147,391.08
WELLMARK INC, HEALTH CLAIMS THROUGH 07/28/23, PD 08/03/23	200,018.73
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/17/23, PD 07/18/23	4,980.44
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/24/23, PD 07/25/23	4,371.38
WAGE WORKS, SECTION 125 CLAIMS THROUGH 07/31/23, PD 08/01/23	13,020.27
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 07/19/23, PD 07/20/23	3,622.45
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 07/26/23, PD 07/27/23	5,303.62
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 08/02/23, PD 08/03/23	18,952.88
SOUTH DAKOTA RETIREMENT SYSTEM, CORR JUN23 RETIREMENT, PD 07/05/23	(30.00)
SD RETIREMENT SYS- SPECIAL PAY PLAN FEE-CHASE, R PD 07/21/23	45.00
BANK WEST, TID82 ORCHARD MEADOWS LIFT STATION, PD 07/24/23	1,721.06
US BANK, CREDIT CARD CHARGES, PD 07/31/23	68,290.99
BLACK HILLS ENERGY, ELECTRICITY, PD 07/25/23	141,910.33
BLACK HILLS ENERGY, ELECTRICITY, PD 07/31/23	86,047.12
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 07/25/23	1,533.10
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 07/25/23	22,975.62
SD DEPARTMENT OF LABOR REEMPLOYMENT, BENEFIT CHARGES, PD 07/25/23	1,389.48
COMPUTER BILL LIST	6,668,422.00
CDEV COMPUTER BILL LIST	29,237.00
SUBTOTAL	11,317,798.69
RSVP, P/ROLL PERIOD END 07/15/23, PD 07/21/23	2,706.96
RSVP, PIONEER BANK & TRUST, 07/21/23 P/ROLL TAXES, PD 07/21/23	642.85
RSVP, US BANK CREDIT CARD CHARES, PD 07/31/23	74.25
RSVP, COMPUTER BILL LIST	138.50
TOTAL	11,321,361.25

Ainslie presented the bill list of \$11,321,361.25. Motion was made by Roberts, second by Seachris and carried to authorize (No. CC080723-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Motion carried 8-0.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Roberts, second by Strommen and carried 8-0 to adjourn the meeting at 8:25 p.m.

Dated this 7th day of August, 2023.

CITY OF RAPID CITY
s/ Jason Salamun
 Mayor

ATTEST:
s/ Daniel Ainslie
 Finance Director
 (SEAL)

Published at the approximate cost: _____