

PROCEEDINGS FOR THE CITY COUNCIL  
City of Rapid City, South Dakota  
6:30 P.M January 2, 2024

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at City Hall, 300 Sixth Street, Second Floor, in Rapid City, South Dakota Tuesday, January 2, 2024, at 6:30 P.M.

The following members were present: Mayor Jason Salamun and the following Alderpersons: Kevin Maher, John Roberts, Pat Roseland, Rod Pettigrew, Lindsey Seachris, Bill Evans, Josh Biberdorf, Lance Lehmann, Linand Jesse Ham; the following were absent: Greg Strommen; 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, Community Development Director Vicki Fisher, Finance Director Daniel Ainslie, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Interim Human Resources Director Leah Braun, Assistant Public Works Director Stacy Titus, Assistant Public Works Director Kristen Hasse, Water Superintendent Eric Boyda, Solid Waste Superintendent Jeff Barber, Communications Coordinator Darrell Shoemaker, and Administrative Assistant II Angie Boeve.

**ADOPTION OF AGENDA**

Motion was made by Ham, second by Roseland to adopt the agenda. Motion carried 9-0

**GENERAL PUBLIC COMMENT**

Ben Sherman spoke about either removing or changing signage downtown, specifically those that say it is ok to say no to panhandlers. He stated that if the signs are still needed, they could be kinder, using words like vagrant or vagabond. Adrian Epp spoke in favor of safer streets for pedestrians and bicyclists.

**NON-PUBLIC HEARING ITEMS** -- Items 1 – 25

**CONSENT ITEMS** – Items 1 – 23

The following item was removed from the Consent Items:

9. PW122623-04: Authorize Mayor and Finance Director to Sign Professional Service Amendment #3 for City Hall Renovation – Phase 2 with TSP, Inc. in the amount of \$3,900.00 for Project No. 19-2675 / CIP 51225

Motion was made by Evans, second by Roberts to approve Consent Items 1-23 with the exception of item 9. Motion carried 9-0

***Approve Minutes***

1. Approve Minutes for the December 18, 2023 Regular Council meeting.
2. Approve Minutes for the December 26, 2023 Special Council meeting.

***Alcoholic Beverage License Applications Set for Hearing (Tuesday, January 16, 2024)***

3. DNJ LLC, DBA Holy Smokes Craft BBQ, 725 Main Street, for a Retail (on-off sale) Malt Beverage and SD Farm Wine License TRANSFER from DNJ LLC, DBA Maple Street BBQ, 2200 N Maple Ave Unit 330
4. Dadah Kids Corp DBA Pauly's Pizzeria and Sub Co, 1624 E St. Patrick St Ste 101 for a NEW Retail (on-off sale) Wine and Cider License
5. Elevate Rapid City for a SPECIAL EVENT (on-sale) Malt Beverage License and an (on-sale) Wine License for an event scheduled for April 9, 2024 at Firehouse Wine Cellar, 940 Kennel Dr

***Public Works Committee Consent Items***

6. PW122623-01: Approve Change Order #1F to Underground Construction, LLC. for Water and Sewer Improvements Block 13 Boulevard Addition, Project No. 2699, CIP No. 50927.1, for an increase of \$122,230.45.
7. PW122623-02: Authorize Staff to Advertise Bids For "Canyon Lake Area Reconstruction - Dover St, 9th Ave, Cottonwood St, And 1st Ave", Project No. 19-2535 / CIP No. 51098.3 For \$3,700,000.
8. PW122623-03: Authorize Mayor and Finance Director to Sign Amendment No. 4 to the Agreement between the City of Rapid City and KTM Design Solutions, Inc. for Professional Engineering Services for Jolly Lane to Reservoir Road Trunk Sewer Extension, Project No. 2121 / CIP 51005 in the amount of \$72,163.00.
10. PW122623-05: Authorize Mayor and Finance Director to Sign Amendment 1 Between the City of Rapid City and Bartlett and West, Inc. for Rapid City Groundwater Supply Improvements, Project No. 23-2742 / CIP No. 50805, in the Amount of \$88,969.00.

### ***Legal & Finance Committee Consent Items***

11. Acknowledge the Following Volunteers for Worker's Compensation Purposes: Jerri Kiefer, LeRoy Lanphear, Dixie Parker, and Jane Rutherford (RSVP+)
12. LF122723-05 – Authorize Staff to Submit an Application, and Approve if Awarded, the City of Rapid City's Application to the Council of Western State Foresters – Western State Fire Managers for the Wildland Urban Interface Competitive Grant
13. LF122723-01 – Approve Second Amendment to the Agreement Between International Association of Firefighters Local 1040 and the City of Rapid City, Effective January 1, 2023, through December 31, 2026, to Change Certain Pay Provisions
14. LF122723-03 – Authorize Staff to Purchase a Rosenbauer Aerial Platform for the Amount of \$1,449,682, Including Chassis and Aerial Delivery Discounts, through Sourcewell Contract #113021-RSD
15. LF122723-02 – Authorize Staff to Sign a Purchase Agreement in the Amount of \$116,871.64 for Convergent to Install Security and Access Technology in the Fire Station #1 Project

### ***CIP Committee Consent Items***

16. Approve Minutes for December 15, 2023 CIP Meeting
17. No. CIP121523-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
18. No. CIP121523-04 – Approve Capital Plan for Fire Vehicles
19. No. CIP121523-05 – Approve Capital Plan for Parks & Recreation
20. No. CIP121523-06 – Approve Capital Plan for Information Technology
21. No. CIP121523-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
22. No. CIP121523-02 – Approve Capital Plan for PW Infrastructure
23. No. CIP121523-07 – Approve Finance to look into options regarding the Journey Museum HVAC Replacement

### **END OF CONSENT ITEMS**

Mayor Salamun read in item (PW122623-04) Authorize Mayor and Finance Director to Sign Professional Service Amendment #3 for City Hall Renovation – Phase 2 with TSP, Inc. in the amount of \$3,900.00 for Project No. 19-2675 / CIP 51225. Pettigrew asked that a progress report be provided to the entire Council by Friday noon. Tech could not address the specifics at this time but said they would have an update prepared and delivered to the Council. Salamun included that the council chambers updates had been delayed due to the added security upgrades. Motion was made by Roseland, second by Ham to approve. Motion carried 9-0.

### **NON-CONSENT ITEMS – Items 24 - 25**

Carla Schanzenbach, Scott McGinley, Robert Pagan and Tonchi Weaver all spoke against approving Item 24. Schanzenbach requested a delay in voting on the rate increase until the staff could prepare a modified plan. McGinley complimented city staff for the work they did during a cold spell on Saint Patrick Street and appreciates the clean water and the Roosevelt Swim Center. Pagan provided a handout to the council and staff and gave suggestions to cut expenses on the treatment plant. Weaver came prepared to refer this item to the ballot should council approve it tonight.

### **Ordinances**

Mayor Salamun read in item (PW111423-11) Second Reading of Ordinance No. 6596, an Ordinance to Revise the Rates Charged by the City's Water Utility by Amending Section 13.08.400 of the Rapid City Municipal Code. Pettigrew stated that eh 60% increase would not happen over 12 months, but over five years. People do not appreciate how good and clean the water here is or the abundance of water here. His research shows that Rapid City's water rates are 40% below the national average and even after the rate increase the rates will be about 50% of the national average. He added that the City's water leak percentage is 11% while the national average is 30%. Roberts spoke in opposition, he agrees that the water in Rapid City is wonderful and they have to look at long term solutions. He would like the ordinance defeated and two new ones presented, one for waste water and one for water. He said the waste water should be a surcharge, not an increase in fees and the rates should have had an annual cost of living increase. He is concerned for the people that cannot afford these increases. He understands that it is getting more expensive to run everything. Seachris appreciates the water and water source in Rapid City. The cost of labor and materials has increased 40% or more over the last few years and it has impacted everyone. This is an unfortunate circumstance of deferred cost and circumstance. A no vote would be a no to the water reclamation project that has already been approved and in the works, there are SRF and ARPA funds tied to this project and there are repercussions if the city does not move forward. The city has to repay the debt service on the \$130,000,000 SRF loan, plus 10% within 24 months. Ham said he appreciated the new information received over the last month. He would like more specifics in regard to the capital improvement projects and the loan debt service. His vote is to defeat this ordinance and come back with a list of needed projects versus wanted projects. Maher reiterated that the existing loans need repaid. He prefers to start now and increase rates gradually instead of a smaller increase first couple of years and then a huge one year three. He asked Landeen about the fee versus surcharge legal issue. Landeen interjected that there could be a capital component and a projected capital component built into the rates. There could be a question if the component is reasonable or not. As for the public vote, his preliminary research and rate adoption is generally considered an administrative decision that isn't referable. There is some case law in other states that said it is a legislative decision that's referable but he has not found them yet; South Dakota has never addressed it so it would be a new issue in South Dakota. Bieberdorf agreed with the majority of what Roberts said, he asked Tech to speak to bringing back two ordinances as that makes sense to him. Tech said that has already been done. Landeen added the sewer ordinance was amended to allow Council to set the rates by resolution and that resolution was approved at the last meeting at a 5-4 vote. The ordinance allowing water rates to be set by resolution was referred and defeated. The only ordinance in front of Council is the water rates. Having passed the first reading on December 18, 2023, motion was made by Evans, second by Pettigrew that the title be read the second time. Upon vote being taken, the following voted AYE: Maher, Pettigrew, Seachris, Evans and Roseland; NO: Bieberdorf, Roberts, Lehmann and Ham; whereupon the Mayor declared the motion passed and Ordinance No. 6596 was declared duly passed 5-4 upon its second reading.

Mayor Salamun read in item (LF122723-04) First Reading of Ordinance No. 6600 Regarding Supplemental Appropriation #1 for 2024. Pettigrew supports this supplemental appropriation but he would like metal detectors at the entrance of the council chambers. Motion was made by Lehmann, second by Roberts to approve Ordinance 6600 was placed on its first reading and the title was fully and distinctly read and the second reading is set for January 16, 2024. Motion carried 9-0.

**CONSENT PUBLIC HEARING ITEMS** – Items 26 – 31

***Community Planning & Development Services Department Items***

26. 23VR005: Boulevard Addition - Approve Resolution 2023-094 – Resolution for Vacation of Right-of-Way for property generally described as being located at 1200 Clark Street.

Resolution No. 2023 - 094  
RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS, it appears that the right-of-way adjoining Lots 1 thru 7 of Lot 13 of Block 30 of Boulevard Addition and vacated Clark Street, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Clark Street and 12<sup>th</sup> Street, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjoining to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Director are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 2<sup>nd</sup> day of January, 2024.

CITY OF RAPID CITY  
s/ Jason Salamun  
Mayor

ATTEST:  
s/ Daniel Ainslie  
Finance Director  
(SEAL)

27. 23VR006: Approve Resolution 2023-095 – Resolution for Vacation of Right-of-Way for property generally described as being located at 1200 Clark Street.

Resolution No. 2023 - 095  
RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS, it appears that the right-of-way adjoining Lot 20 of Lot 13 of Block 30 of Boulevard Addition and vacated Clark Street and Block 3 of Forest Hills Subdivision, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of the intersection of Clark Street and Tompkins Street, is not needed for public purposes; and

WHEREAS, the owner(s) of property adjoining to the above-described right-of-way desires said public right-of-way to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, and incorporated herein, is hereby vacated.

BE IT FURTHER RESOLVED, that the Mayor and Finance Director are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 2<sup>nd</sup> day of January, 2024.

CITY OF RAPID CITY  
s/ Jason Salamun  
Mayor

ATTEST:

s/ Daniel Ainslie  
Finance Director  
(SEAL)

**Alcohol Licenses**

- 28. Bar K-9 LLC for a SPECIAL EVENT (On-Sale) Malt Beverage License for an event scheduled for January 12-13, 2024 at Rushmore Mall, 2200 N Maple
- 29. Pennington County Democratic Party for a SPECIAL EVENT (On-Sale) Wine License for an event scheduled for February 9, 2024 at Prairie Edge, 606 Main Street
- 30. T5 Enterprises LLC DBA Drybar Rapid City, 36 E Stumer Rd #106, for a new Retail (on-off sale) Wine and Cider License
- 31. Kathmandu MoMo House LLC DBA Kathmandu MoMo House, 405 Canal Street, for a new Retail (on-off sale) Malt Beverage & SD Farm Wine License and a new Retail (on-off sale) Wine and Cider License

Motion was made by Roberts, second by Seachris to approve items 26-31. Motion carried 9-0.

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 32 – 33

Mayor Salamun read in item (23OA003) Second Reading, Ordinance 6595, an Ordinance Amendment to Chapter 17 of the Municipal Code to Remove Planned Development Requirements for More Than One Building In An Apartment Complex. Having passed its first reading on December 18, 2023, motion was made by Roberts, second by Maher to approve. Upon vote being taken, the following voted AYE: Biberdorf, Ham, Lehmann, Maher, Roberts, Pettigrew, Seachris, Roseland and Evans; NO: NONE; whereupon the Mayor declared the motion passed 9-0 and Ordinance No. 6595 was declared duly passed upon its second reading.

Mayor Salamun read in item (23RZ020) Second Reading, Ordinance 6597, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Bobby Sundby for Julie Heintz for a Rezoning request from Low Density Residential District I to Mobile Home Residential District for property generally described as being located at 2911 Garden Lane. Having passed its first reading on December 18, 2023, motion was made by Ham, second by Roseland to approve. Upon vote being taken, the following voted AYE: Biberdorf, Ham, Maher, Roberts, Pettigrew, Seachris, Lehmann, Evans, and Roseland; NO: NONE; whereupon the Mayor declared the motion passed 9-0 and Ordinance No. 6597 was declared duly passed upon its second reading.

**BILLS**

BILL LIST JANUARY 2, 2024

P/ROLL PERIOD END 12/16/23, PD 12/22/23	2,729,006.20
CDEV P/ROLL PERIOD END 12/16/23, PD 12/22/23	4,383.85
SUPP P/ROLL PERIOD END 12/16/23, PD 12/22/23	2,250.66
SUPP P/ROLL PERIOD END 12/16/23, PD 12/22/23	3,000.00
PIONEER BANK & TRUST 12/16/23 P/ROLL TAXES, PD 12/22/23	712,025.25
CDEV PIONEER BANK & TRUST 12/16/23 P/ROLL TAXES, PD 12/22/23	1,102.14
PIONEER BANK & TRUST SUPP 12/16/23 P/ROLL TAXES, PD 12/22/23	183.08
PIONEER BANK & TRUST SUPP 12/16/23 P/ROLL TAXES, PD 12/22/23	409.50
SOUTH DAKOTA DEPARTMENT OF REVENUE NOV23 SALES TAX PAYABLE, PD 12/26/23	63,044.26
SOUTH DAKOTA DEPARTMENT OF REVENUE NOV23 EXCISE TAX PAYABLE, PD 12/26/23	1,100.29
SOUTH DAKOTA DEPARTMENT OF REVENUE NOV23 CCTR SALES TAX PAYABLE	

PD 12/26/23	37,889.46
WELLMARK INC HEALTH CLAIMS THROUGH 12/22/23, PD 12/28/23	249,568.01
WAGE WORKS 2024 INITIAL FUNDING, PD 12/26/23	17,205.46
WAGE WORKS SECTION 125 CLAIMS THROUGH 12/26/23, PD 12/27/23	14,701.05
RISK ADMINISTRATION SERVICES INC WORK COMP CLAIMS THROUGH 12/27/23, PD 12/28/23	13,258.69
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 2024 INSURANCE PREMIUMS	1,789,244.71
IIARC 2024 WORK COMP PREMIUM	599,588.00
IIARC 2024 WORK COMP PREMIUM – CDEV	268.00
IIARC 2024 AIRPORT GENERAL LIABILITY PREMIUM	46,102.00
CITY-LIABILITY INSURANCE FUND 2024 LIABILITY INSURANCE	328,578.36
CITY-WORKERS COMPENSATION FUND 2024 WORK COMP	959,340.00
CITY-WORKERS COMPENSATION FUND 2024 WORK COMP – CDEV	429.00
HUMANE SOCIETY OF THE BLACK HILLS JAN24 HUMANE SOCIETY	33,582.33
US BANK NATIONAL ASSOCIATION 2019A AIRPORT BOND PAYMENT	60,054.17
US BANK TRUST SRF CLEAN WATER #6 PAYMENT	84,583.36
US BANK TRUST SRF DRINKING WATER #2 PAYMENT	105,933.32
AR GROUP TID39 ANAMOSA/AR GROUP, PD 12/22/23	2,178.71
BANK WEST TID47 TOWER RD, PD 12/22/23	3,157.88
BANK WEST TID82 ORCHARD MEADOWS LIFT STATION, PD 12/22/23	23,045.65
BLACK HILLS ENERGY TID77 BH ENERGY, PD 12/22/23	12,739.15
CITY OF RAPID CITY TID39 ANAMOSA/AR GROUP, PD 12/22/23	2,178.71
MIDWEST BUSINESS SOLUTIONS TID83 HOMESTEAD, PD 12/22/23	28,142.54
BLACK HILLS ENERGY ELECTRICITY, PD 12/27/23	120,564.69
SUBTOTAL	8,063,178.14
RSVP, P/ROLL PERIOD END 12/16/23, PD 12/22/23	2,714.35
RSVP, PIONEER BANK & TRUST, 12/16/23 P/ROLL TAXES, PD 12/22/23	643.41
RSVP, BLACK HILLS INSURANCE - 2024 INSURANCE PREMIUMS	325.00
RSVP, IIARC - 2024 WORK COMP PREMIUM	24.00
RSVP, CITY-LIABILITY INSURANCE FUND - 2024 LIABILITY INSURANCE	162.50
RSVP CITY-WORKERS COMPENSATION FUND - 2024 WORK COMP	39.00
TOTAL	8,067,086.40

Director Ainslie presented the bill list for \$8,067,086.40. Motion was made by Seachris, second by Maher and carried to authorize (No. CC010224-01) the 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 Roberts, second by Ham and carried 9-0 to adjourn the meeting at 7:18 p.m.

Dated this 2<sup>nd</sup> January, 2024.

CITY OF RAPID CITY  
s/ Jason Salamun  
 Mayor

ATTEST:  
s/ Daniel Ainslie  
 Finance Director  
 (SEAL)

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