

PROCEEDINGS FOR THE CITY COUNCIL
City of Rapid City, South Dakota
6:30 P.M February 5, 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 on Monday, February 5, 2024, at 6:30 P.M.

The following members were present: Mayor Jason Salamun and the following Alderpersons: Greg Strommen, Kevin Maher, Pat Roseland, Rod Pettigrew, Bill Evans, Josh Biberdorf, John Roberts, Lance Lehmann, Jesse Ham and Lindsey Seachris; 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: Assistant City Attorney Carla Cushman, Police Chief Don Hedrick, Division Chief Fire Operations Brian Povandra, 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, Public Works Project Manager Roger Hall, Communications Coordinator Darrell Shoemaker, & Sr. Administrative Coordinator Heidi Weaver.

ADOPTION OF AGENDA

Motion was made by Roberts, second by Lehmann to adopt the agenda. Motion carried 10-0.

GENERAL PUBLIC COMMENT

Adrian Epp wants the City to diversify transportation options. He thinks more people should be walking or cycling to get around. He wants Rapid Transit to have more routes, running more often.

Point of Personal Privilege by Bill Evans. He went to the FashionABLE All-Ability Fashion Show put on by Black Hills Works at Jolly Lane Greenhouse. He said it was a great time for a great cause and he commended Heather Pickering for her involvement with the show. He encouraged people to attend next year's show.

NON-PUBLIC HEARING ITEMS -- Items 1 – 50

Dan Mulally, Jim Hayward, Sherri Nutter, and Timothy Trueblood each spoke on item (PW013024-14) and wanted to know if sidewalks will be required in the Apple Valley Subdivision. They wanted more detailed information on the variance that is being requested.

CONSENT ITEMS – Items 1 – 49

The following item was removed from the Consent Items:

16. PW013024-14: Approve Request from Ryan Wright Of Towey Design Group for A Variance to Waive the Requirement to Install Sidewalk at The Apple Valley Subdivision, Rapid City, Per City Municipal Code 16.16.050(A).

Motion was made by Lehmann, second by Roseland to approve Consent Items 1-49 with the exception of Item 16. Motion carried 10-0.

Approve Minutes

1. Approve Minutes for the January 16, 2024 Regular Council meeting.

Alcoholic Beverage License Applications Set for Hearing (February 20, 2024)

2. Naja Shrine for (3) SPECIAL EVENT (on -sale) Dealer License for events scheduled for March 9, 2024, March 16, 2024 and April 13, 2024 at 4091 Sturgis Road

Public Works Committee Consent Items

3. PW013024-01: Authorize Staff to Advertise for Bids for Annual Citywide Striping, Project No. 2801, CIP No. 50594. Estimated Cost For 2024 Is \$200,000.00.
4. PW013024-02: Authorize Staff to Advertise for Bids of One (1) New Aerial Lift Truck with A Service Body for The Water Reclamation Division. Estimated Cost \$187,000.00.
5. PW013024-03: Approve Change Order 2F-Revised to RCS Construction Inc. For Fire Department Training Facility, Project No. 2529, CIP No. 51250, For an Increase Of \$4,733.22.
6. PW013024-04: Approve Change Order 2F To Simon Contractors Of SD, Inc. For Signal Drive and Kellogg Place Street and Utility Reconstruction, Project No. 2670, CIP No. 51170, For A Decrease Of \$87,933.09.
7. PW013024-05: Approve Change Order 1F To RCS Construction, Inc. For South Truck Route DBDP – Element 16 Culvert Crossing, Project No. 2668, CIP No. 51331, For A Decrease Of \$11,532.53.
8. PW013024-06: Authorize Mayor and Finance Director to Sign Agreement PP 1804(57) Between the City of Rapid City and State Department of Transportation to Upgrade Railroad Crossing DOT 190258N, Located on Saint Patrick Street, for an estimated 10% cost share of \$49,762.30.
9. PW013024-07: Authorize Mayor and Finance Director to Sign 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 2024 Environmental Monitoring for The Rapid City Landfill, Project No. 2722, CIP 51371 In the Amount Of \$125,780.70.
10. PW013024-08: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and Avid4 Engineering, Inc. For Construction Related Services for Sheridan Lake Road Reconstruction – Corral Drive to Catron Boulevard, Project No. 2737 / CIP No. 51122.2, In the Amount Of \$987,240.00.
11. PW013024-09: Authorize Mayor and Finance Director to Sign Agreement Between the City of Rapid City and Burns & McDonnell For Professional Services for Alternate Fuel Landfill Diversion Program Evaluation, Project No. 2803, CIP 51424 In the Amount Of \$159,700.00.
12. PW013024-10: Authorize Staff to Purchase One (1) 2024 F-250 Regular Cab 4x4 From McKie Ford Matching Pricing from State Of South Dakota, Contract #17619 In the Amount of \$48,060.00 for Water Reclamation.
13. PW013024-11: Authorize Staff to Purchase Two (2) 2024 F-150 4x4 From McKie Ford Matching Pricing from State Of South Dakota, Contract #17619 In the Amount of \$88,674.00 for Water Reclamation.
14. PW013024-12: Authorize Staff to Purchase One New Bomag 773 RB-5, Refuse Compactor with Extended Warranty and Maintenance Contract from TranSource using SourceWell Cooperative Purchasing Contract #060122-BAI in The Amount Of \$919,370.74 for Solid Waste.
15. PW013024-13: Approve Request from Monte Lucas for A Variance to Waive the Requirement to Install Sidewalk for Address 2610 Commerce Rd., Rapid City, Per City Ordinance 12.08.060.
17. PW013024-15: Approve Change Order 1 To Lloyd Construction Company for Parks Greenhouse, Project PR23-6191, For an Increase Of \$8,868.59
18. PW013024-16: Authorize Staff to Purchase from LL Johnson Distributing Company for Toro Lynx Central Control Software and Equipment in The Amount Of \$27,735.70
19. PW013024-17: Authorize Staff to Purchase A 2024 MT100 Mini-Track Loader from Jenner Equipment Company with SourceWell Contract #040319-CEC Pricing in The Amount Of \$37,916.22.
20. PW013024-18: Authorize Staff to Purchase A 2024 RAM 2500 Crew Cab 4X4 Pickup from Liberty Superstores with State Contract #17620 For A Total Amount Of \$48,336.00.
21. PW013024-19: Authorize Staff to Request Bids for A New Current Year Model Diesel 5500 Class 5 Regular Cab 4X4 Chassis With 6 Yard Rear Load Garbage Body.
22. PW013024-20: Authorize Staff to Request Bids for A New Current Year Model Gas 5500 Class 5 Regular Cab 4X4 Chassis with Steel Dump Body.
23. PW013024-24: Acknowledge Presentation: Airport Governance Review Final Report by Steven Baldwin Associates

Legal & Finance Committee Consent Items

- 24. LF013124-16 – Confirm the Appointment of Becky Drury to the Community Relations Commission, Formerly HRC/MOA Commission
- 25. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Derek Habib (Parks & Recreation), and Cathy Knight, Bernard Kopp, Rick Little, and Pat Urbaniak (RSVP+)
- 26. LF013124-03 – Acknowledge November 2023 Sales Tax Report
- 27. LF013124-08 – Acknowledge December 2023 Treasury and General Fund Update
- 28. LF013124-02 – Approve Resolution No. 2024-004, a Resolution Declaring Property as Surplus

RESOLUTION # 2024-004
RESOLUTION DECLARING PROPERTY SURPLUS

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale or trade-in on new equipment:

From: WATER DIST/COLCT (7012):
 For Deletion (Trade-in):
 2009 Caterpillar Backhoe 450E
 VIN CAT0450EAEBL00412

From: WATER RECLAMATION (7072):
 For Deletion (Trade-in):
 2008 Vactron Vermeer VT19
 VIN 5HZBF19218LH82180

BE IT FURTHER RESOLVED that the Mayor and Finance Director may do all acts necessary to dispose of this property according to state law.

Dated this 5th day of February, 2024.

CITY OF RAPID CITY
s/ Jason Salamun
 Mayor

ATTEST:
s/ Daniel Ainslie
 Finance Director
 (SEAL)

- 29. LF013124-04 – Approve Abatements from the Director of Equalization
- 30. LF013124-10 – Authorize Mayor and Finance Director to Sign Engagement Letter with Ketel Thorstenson LLP for the FY 2023 Financial and Compliance Audit
- 31. LF013124-15 – Authorize Staff to Submit an Application and Approve if Awarded the City of Rapid City’s Application to the South Dakota Office of Emergency Management for the Building Resilient Infrastructure and Community (BRIC) Grant – Building Codes Plus Up
- 32. LF013124-06 – Authorize Mayor and Chief of Police to sign the 2024 Federal Equitable Sharing Agreement
- 33. LF013124-11 – (PW013024-23) Acknowledge Presentation by Jamie Toennis and Approve Recommended Changes to the City’s Uniform Grant Guidance Policies / Procedures

34. LF013124-12 – Authorize Staff to Purchase a New Model Year Ford F150 from Lamb Motors Using State Bid Contract #17619 in the Amount of \$52,700
35. LF013124-13 – Authorize Staff to Purchase a New Model Year Ford Expedition Max from Lamb Motors Using State Bid Contract #17619 in the Amount of \$59,286
36. LF013124-14 – Authorize Staff to Purchase a New Model Year Ford Explorer from Lamb Motors Using State Bid Contract #17619 in the Amount of \$40,490
37. LF013124-07 – Authorize to Apply and Accept if Awarded the HLS (Homeland Security) Grant in the Amount of \$121,559.76

CIP Committee Consent Items

38. Approve CIP minutes from December 15, 2023 CIP meeting
39. Approve CIP minutes from January 19, 2024 CIP meeting
40. No. CIP011924-03 – Approve Capital Plans for Government Facilities – (Fire & Emergency Services, Parks & Recreation, Summary)
41. No. CIP011924-04 – Approve Capital Plan for Fire Vehicles
42. No. CIP011924-05 – Approve Capital Plan for Parks & Recreation
43. No. CIP011924-06 – Approve Capital Plan for Information Technology
44. No. CIP011924-01 – Acknowledge Financial Report (Summary, DCA Charges and Debt Service)
45. No. CIP011924-02 – Approve Capital Plan for PW Infrastructure
46. No. CIP011924-08 – Approve to Authorize Funding for Journey Museum HVAC Replacement up to \$600,000

Bid Award Consent Items

47. CC011624-02.4 – Approve the award of Rapid City Landfill Cell 15 Liner and Leachate Collection, Project No. 18-2448 / CIP No. 51202.2 to Dakota Redi-Mix at the negotiated price of \$8,888,978 opened on January 09, 2024 and continued to the February 5, 2024 City Council Meeting.
48. CC020524-02.1 – Approve award of total bid for Canyon Lake Area Reconstruction – Dover Street, 9th Avenue, Cottonwood Street, and 1st Avenue Project No. 19-2535 / CIP No. 51098.3 opened on January 30, 2024 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of \$3,705,175.00.
49. CC020524-02.2 - Reject the bid for Miscellaneous Improvements Projects, MRF HVAC Project No. 23-2753 / CIP No. 51292.1, which was opened on January 30, 2024. Authorize Staff to rebid the project at a later date.

END OF CONSENT ITEMS

Mayor Salamun read in item (PW013024-14) Approve Request from Ryan Wright Of Towey Design Group for A Variance to Waive the Requirement to Install Sidewalk at The Apple Valley Subdivision, Rapid City, Per City Municipal Code 16.16.050(A). In response to a question from Roberts, Director Tech explained that inside city limits, it's the property owners' responsibility to install the sidewalk at the time the building permit is pulled. The City has found that if the developer goes in and installs sidewalks before any construction occurs in the development, half the sidewalks get torn up and they have to be replaced. The request from Towey Design Group is to defer the installation of the sidewalk from the time that the developer puts them in, to the homeowner's responsibility. Either way, the homeowner pays for the sidewalks because the developer includes the price of the sidewalk in the price of the lots they sell. It's probably cheaper for the homeowner or the person pulling the building permit to install the sidewalk because they are only doing it once. Roberts explained that the owner can't get an occupancy permit until all of the conditions are met, including the sidewalks. If the sidewalk isn't done, the owner can't move into the home. Director Fisher explained the sidewalk is being waived at the initial stage so the sidewalks don't get ruined throughout the building process. The sidewalks are required when the building permit is pulled to build on the property. The decision made at this meeting is relayed to the county. Hamm gave Ms. Nutter his time. She asked why a variance is needed if sidewalks are required. She thinks the verbiage is misleading. Fisher explained this is the same process inside city limits. The

developer is acknowledging that sidewalks won't be required as part of the subdivision but the sidewalks will be required as part of the building permit. Ms. Nutter said there is a TIFF in that area that covers infrastructure. She asked if the sidewalks are covered with the TIFF funds as infrastructure or are the sidewalks paid for separately by the homeowner. Tech said he reviewed the county's TIFF and there is no mention about sidewalks in the TIFF. The developer is not receiving money for the sidewalks through the tax increment financing district. Roberts said money won't be released for items that aren't paid for through the TIFF. If the items aren't on the list beforehand, they won't be paid for through the TIFF. Motion was made by Roberts, second by Hamm to approve. Motion carried 10-0.

NON-CONSENT ITEMS – Item 50

Ordinances

Mayor Salamun read in item (LF013124-01) Introduction and First Reading of Ordinance No. 6599, an Ordinance to Revise the Renewal Date of Sewer-Water and Trenching Licenses by Amending Section 13.24.040.B of the Rapid City Municipal Code. Motion was made by Roberts, second by Seachris to approve Ordinance 6599 was placed on its first reading and the title was fully and distinctly read and the second reading is set for February 20, 2024. Motion carried 10-0.

PUBLIC HEARING ITEMS – Items 51 – 53

CONSENT PUBLIC HEARING ITEMS – Items 51 – 53

Alcohol Licenses

- 51. American Heart Association for a SPECIAL EVENT (on-sale) Wine License and an (off-sale) Package Wine License for an event scheduled for February 24, 2024 at The Monument, 444 Mt. Rushmore Road
- 52. Bar K-9 for a SPECIAL EVENT (on-sale) Malt Beverage License for an event scheduled for February 16-17, 2024 at Rushmore Mall, Center Court, 2200 N Maple Ave
- 53. Holiday Stationstores, LLC DBA Circle K #2746529, 3276 Cambell 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 Lehmann to approve items 51-53. Motion carried 10-0.

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS

BILL LIST FEBRUARY 05, 2024

P/ROLL PERIOD END 01/13/24, PD 01/19/24	2,669,629.81
CDEV P/ROLL PERIOD END 01/13/24, PD 01/19/24	4,432.90
SUPP P/ROLL PERIOD END 12/30/23, PD 01/11/24	309.15
SUPP P/ROLL PERIOD END 12/30/23, PD 01/23/24	2,275.66
SUPP P/ROLL PERIOD END 12/30/23, PD 01/10/24	(3,002.75)
SUPP P/ROLL PERIOD END 01/13/24, PD 01/23/24	459.28
SUPP P/ROLL PERIOD END 01/13/24, PD 01/25/24	372.94
PIONEER BANK & TRUST, 01/13/23 P/ROLL TAXES, PD 01/19/24	753,767.56
PIONEER BANK & TRUST, SUPP 12/30/23 P/ROLL TAXES, PD 01/23/24	613.66
PIONEER BANK & TRUST, SUPP 12/30/23 P/ROLL TAXES, PD 01/23/24	(712.91)
PIONEER BANK & TRUST, SUPP 01/13/24 P/ROLL TAXES, PD 01/25/24	50.91
CDEV PIONEER BANK & TRUST, 01/13/24 P/ROLL TAXES, PD 01/19/24	1,132.98
SOUTH DAKOTA DEPARTMENT OF REVENUE, DEC23 SALES TAX PAYABLE, PD 01/25/24	79,233.23
SOUTH DAKOTA DEPARTMENT OF REV DEC23 EXCISE TAX PAYABLE, PD 01/25/24	1,267.54
SOUTH DAKOTA DEPARTMENT OF REV DEC23 CCTR SALES TAX PAYABLE PD 01/25/24	101,709.51

WELLMARK INC, HEALTH CLAIMS THROUGH 01/12/24, PD 01/18/24	234,947.14
WELLMARK INC, HEALTH CLAIMS THROUGH 01/19/24, PD 01/25/24	157,250.24
WELLMARK INC, HEALTH CLAIMS THROUGH 01/20/24, PD 02/01/24	212,041.03
WAGE WORKS, SECTION 125 CLAIMS THROUGH 01/16/24, PD 01/17/24	11,916.38
WAGE WORKS, SECTION 125 CLAIMS THROUGH 01/22/24, PD 01/23/24	13,154.89
WAGE WORKS, SECTION 125 CLAIMS THROUGH 01/29/24, PD 01/30/24	14,021.76
WAGE WORKS, HSA CONTRIBUTIONS, PD 01/19/24	5,851.14
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 01/17/24, PD 01/18/24	11,380.83
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 01/31/24, PD 02/01/24	17,323.42
RISK ADMIN SERV INC WORK COMP CLAIMS THROUGH 01/24/24, PD 02/01/24	(2,384.01)
SD RETIREMENT SYS-SPECIAL PAY PLAN FEE-AUGHENBAUGH S, PD 01/19/24	45.00
SD DEPT OF LABOR REEMPLOYMENT, BENEFITS CHARGES, PD 01/23/24	3,157.10
BLACK HILLS ENERGY, TID77 BLACK HILLS ENERGY, PD 01/23/24	498.80
MIDWEST BUSINESS SOLUTIONS, TID83 HOMESTEAD, PD 01/23/24	2,489.75
US BANK, CREDIT CARD CHARGES, PD 01/30/24	82,996.03
BLACK HILLS ENERGY, ELECTRICITY, PD 01/11/24	16,478.18
BLACK HILLS ENERGY, ELECTRICITY, PD 01/23/24	24,771.82
BLACK HILLS ENERGY, ELECTRICITY, PD 01/29/24	48,255.88
BLACK HILLS ENERGY, ELECTRICITY, PD 01/30/24	67,062.49
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 01/17/24	15,943.52
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 01/23/24	1,875.86
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 01/23/24	78,946.08
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 01/29/24	33.68
COMPUTER BILL LIST,	6,676,442.37
CDEV COMPUTER BILL LIST	18,311.55
SUBTOTAL	11,324,350.40
RSVP, P/ROLL PERIOD END 01/13/24, PD 01/19/24	2,766.04
RSVP, PIONEER BANK & TRUST, 01/13/24 P/ROLL TAXES, PD 01/19/24	659.03
RSVP, COMPUTER BILL LIST	1,445.07
TOTAL	11,329,220.54

Director Ainslie presented the bill list for \$11,329,220.54. Motion was made by Roberts, second by Strommen and carried 10-0, to authorize (No. CC020524-01) the Finance Director to issue warrants or treasurer checks, drawn on proper funds, in payment thereof.

ADJOURN

There being no further business to come before the Council at this time, motion was made by Lehmann, second by Strommen and carried 10-0 to adjourn the meeting at 7:00 p.m.

Dated this 5th day of February, 2024.

CITY OF RAPID CITY
s/ Jason Salamun
 Mayor

ATTEST:
s/ Daniel Ainslie
 Finance Director
 (SEAL)

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