

SUMMARY
LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota

June 12, 2024, at 12:30pm

ROLL CALL AND DETERMINATION OF QUORUM

A quorum was determined with the following members answering the roll call: **Josh Biberdorf, Bill Evans, Kevin Maher, Lindsey Seachris, and Greg Strommen. Absent: none.**

ADOPTION OF AGENDA

Seachris moved to adopt Agenda. Second by Evans. Motion carried unanimously.

GENERAL PUBLIC COMMENT

No public comment.

CONSENT ITEMS – Items 1-9

- 1) Maher **moved to Approve [Minutes for May 29, 2024](#). Second by Biberdorf. Motion carried unanimously.**

FINANCE DEPARTMENT – Tracy Davies

Seachris moved to approve items 2-5. Second by Biberdorf. Motion carried unanimously.

- 2) Acknowledge the Following Volunteers for Worker's Compensation Purposes: Cindy Carver (Library), and Kay Althoff, Edith Fischer, Kristi Friedel, Corrine Muske, Elaine Ohnstad-Eide, Lisa Schmidt, Stuart Schmidt, and Laura Turner (RSVP+)
- 3) [LF061224-03](#) – Approve Resolution No. 2024-019, a Resolution Levying Assessment for Abatement of Nuisances
- 4) **This in an annual BID Assessment Roll, The hearing is due to be set on July 15th.**
[LF061224-04](#) – Approve Resolution No. 2024-042A, a Resolution Fixing Time and Place for Hearing on Assessment Roll for a Business Improvement District 2024
- 5) [LF052924-06](#) – Approve Resolution No. 2024-044, a Resolution Declaring Property Surplus
(continued from 5/29/24 Legal & Finance meeting)

COMMUNITY DEVELOPMENT

Biberdorf moved to approve item 6. Second by Evans. Motion carried unanimously.

- 6) **This is an annual approved by the US Census Bureau 82,418 which is a 2.2% increase from last year. This is just within the City limits, though there is one that calculates beyond it.**
[24TP018](#) – Approve Rapid City Year End 2023 Population Estimate

PARKS & RECREATION

Biberdorf moved to approve items 7. Second by Seachris. Motion carried unanimously.

- 7) **Doug Lowe presented on this item. The amendments to the original contract include and increase in compensation tickets from 25-40. They also wanted more specific advertising, and lastly, addresses needed updated.**
[LF061224-01](#) – Authorize Mayor and Finance Director to Sign the First Amendment to Facility License Agreement Between the City of Rapid City and Badlands Sabres Hockey Group LLC

FIRE DEPARTMENT

Biberdorf moved to approve item 8. Second by Seachris. Motion carried unanimously.

- 8) **Still continuing to work through old software to get books current.**
[LF061224-02](#) – Approve Resolution No. 2024-046, a Resolution Writing Off Uncollectable Ambulance Patient Accounts

POLICE DEPARTMENT

Seachris moved to approve item 9. Second by Maher. Motion carried unanimously.

- 9) Captain Christian Siegel said this vehicle is fitted with a canine kennel, which is specific to its make and model. The vehicle has 120k miles of hard miles put on it and is past its useful life for the PD. The City requests to surplus the vehicle and donate it to the HSBH.

[LF061224-05](#) – Approve Resolution No. 2024-053, a Resolution Declaring Miscellaneous Personal Property Surplus and donating Surplus Property to the Humane Society of the Black Hills, a Local Non-Profit Agency

END OF CONSENT CALENDAR

NON-CONSENT ITEMS – Item 10

No public comment.

PUBLIC WORKS

- 10) Operations Engineering Manager, Eddie Lopez, introduced himself as the Operations Engineering Manager for the City of Rapid City. He has been with the City for a little over three years and has managed just over \$23 million dollars’ worth of projects. He is the project manager for the Water Reclamation South Plant Improvements project, which was awarded for construction by Council at a value of \$170 million. Lopez introduced HCR Senior Vice President Patrick Young, who then gave a brief overview of construction service categories. These categories include construction management, payment administration, schedule management, technical services, change management, and field and inspection services. Consultants are used as an industry standard, because of funding requirements, the need for staff augmentation, the size and complexity of projects, and for interpretation of the design intended. These consultant services increase accountability, manage risk factors, maintain schedule, and produce a better-quality product. Consultants and City staff work together. Lopez continued the presentation with an overview on how City staff in particular manages construction projects. There are 2 construction administrators, an inspection supervisor, 9 full-time inspectors, and one part-time inspector. Lopez continued by highlighting how City staff excels at managing projects. Staff has a deep understanding of City systems, which allows them to be efficient at handling projects, maintain continuity of service, and construction administration. For projects like the water reclamation facility, the City has strategically partnered with qualified consultants with expertise on large-scale construction projects so that the projects stay on track, meet budget, and ensure a good return on investment while meeting funding requirements. City staff tackles familiar projects, while these consultants offer needed oversight for the larger, much more complex projects. This consultants are not unique to the City of Rapid City. This is also an industry standard and allows the City to be good stewards of its resources. Water Reclamation Superintendent Dave Van Cleave concluded the presentation by highlighting his 37 years of experience in the business, and 27 of them at the City. He spoke of the City’s mission and obligation to protect public health by providing efficient and economical collection and treatment services. Because of the aging condition of the facility, some of which is 57 years old, this project is vital to meet State obligations as well as the overall health of our growing community. He spoke of the importance of allowing staff to complete their daily obligations without being pulled away by construction complexities. He sincerely encouraged the Council to allow for these specialized consulting services to ensure that the Water Reclamation facility will meet the needs of the community well into the next half of a century.

Seachris thanked Lopez, Young, and Van Cleave for their presentation. She asked if it is fair to say that construction administration costs are about 10% of the total cost and if there is any way to gage the cost. Eddie responded that there is no industry standard, but they use past projects to estimate the costs of future projects. The estimate of \$10.7 million that the Council continued is the total cost estimate of phase 2 of the project. Phase 1 already has an agreement, and that is the phase that is being completed at this time. Strommen asked what administration cost for phase 1. Lopez replied \$2.1 million. Strommen asked how this money is paid out. Lopez replied that the City pays at the time of material. Strommen voice concern about contractors who might “fluff” the numbers. Eddie replied that the duration of the project is factored in, and that the hours worked are

the hours that are paid. Strommen asked if phase 1 has been kept on track. Eddie confirmed that it had been, and if there is a surplus, it will go back to the City fund.

Biberdorf moved to acknowledge Presentation: The Role of Consultant Engineers During Construction. Second by Seachris. Motion carried unanimously [Item 10 heard at City Council Meeting on 6.17.24]

ALDERMAN ITEMS

Council members to discuss items regarding their committee assignments/updates.

ADJOURN

There being no further business to come before the Committee at this time, motion was made by Biberdorf, second by Maher and carried to adjourn the meeting at 1:02pm.