

RAPID VALLEY SANITARY DISTRICT  
BOARD OF TRUSTEES MEETING  
FEBRUARY 12, 2024

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Chairman Andy Fitzgerald called the meeting to order at 6:00 p.m. Present at roll call were Bob Phillips, Jennifer Battles, Shirley Haines, Carrie Wheeler, Connie Olson, Eric Krebs, Tim Roth and Diana Nelson via phone. Also, in attendance were Manager Rusty Schmidt, and District Clerk Sara Bender.

**APPROVAL OF AGENDA:** A motion was made by Carrie Wheeler to approve the agenda. The motion was seconded by Bob Phillips. Motion carried.

**APPROVAL OF MINUTES:** A motion was made by Jennifer Battles to approve the minutes from the January meeting. The motion was seconded by Shirley Haines. Motion carried.

**APPROVAL OF FINANCE REPORT:** The financial reports were distributed to the Trustees for their review prior to the meeting. A motion was made by Connie Olson to approve the Finance Report. Tim Roth seconded the motion. Motion carried.

**ITEMS FROM THE PUBLIC:** None

**PRESIDENT'S REPORT:**

**1. Continuation of Public Meeting for Proposed Annexation as Advertised November 21st and 28th:** This is the 3rd continuation of the public meeting for annexation of real property as advertised November 21 and 28, 2023. The county auditor has approved the legal descriptions, and the County commissioners approved the annexation at their January 16, 2024, meeting. A motion was made by Connie Olson to open the public meeting for comment. Jennifer Battles seconded the motion. Motion carried. No one from the public showed for comment. Bob Phillips made a motion to close public meeting. Carrie Wheeler seconded the motion. Jennifer Battles made a motion to approve the resolution for annexation of real property as advertised November 21 and 28. Bob Phillips seconded the motion. Motion carried.

**2. Drinking Water Surcharge Revenue Bond 2023 Sixth Draw Amount:** The fifth draw amount for engineering services from AE2S is \$94,917.00 This brings the total to date to \$518,455.

**MANAGERS REPORT**

**3. Monthly Water Loss and Leak Detection:** Water loss for the month was 19.28%, which is slightly lower than it was at this time last year. The service team found and repaired a substantial leak on Helios St due to a cracked water main. The team is still looking in the pressure zone for leaks as there is still higher than normal usage in that area.

**PROJECTS AND FUTURE DEVELOPMENT**

4. **Ennen Dr Housing Project:** Plans have been received and redlined for this project. Site Works is doing this project and are completing the tie in to the 12” water main project that is going to Box Elder.

5. **Apple Valley Project Update:** There is approximately 1,300 ft of sewer main installed for this project on Anderson Rd. There is also approximately 1,000 feet of water main installed on Long View Rd.

6. **2024 Bore Project on Jolly Lane:** The bore project is 100% complete. This adds additional fire flows and looping for the Elks club and the homes in that area.

## OTHER TOPICS

7. **SD DANR Approval of RVSD Water System Improvements – 2 Million Gallon Storage Reservoir and RVSD Water System Improvements 12” Water Main and Connection to Box Elder:** We received the approved and stamped plans back from DANR for the 2-million-gallon tank project. There is a preconstruction meeting this week and Site Works is planning to start construction this summer. The well project will go out for bid in February, with bid opening will be March 6th.

8. **Rapid City Public Works Proposed Rate Increase for Water Reclamation:** We have not received an updated contract from the City at this time. They indicated on December 28<sup>th</sup> that they would be sending a new contract in the next couple of weeks. We have a meeting scheduled with public works on Wednesday February 14<sup>th</sup>.

9. **Rapid City Public Works Encroachment of District Boundary:** The developer received a letter from the City indicating that RVSD will serve the lots on the south side of Patricia St as they are within district boundaries.

10. **Resolution of the Board of Trustees of Rapid Valley Sanitary District – Water Service Adopting Procedures for Construction Manager at Risk:** It is recommended that the board pass a resolution to move forward on future advertisement for CMAR Process and selection of a CMAR as per SDCL 5-18B. The consensus of the trustees was to have the manager and the facilities committee members participate in the selection process. A motion was made by Tim Roth to approve the Resolution of the Board of Trustees of Rapid Valle Sanitary District – Water Service Adopting Procedures for Construction Manager at Risk.

### Miscellaneous Items:

- The new shop should be complete within the next 45 days.
- Election Schedule is attached. The trustees up for election are Bob Phillips, Carrie Wheeler, and Tim Roth. Petitions can be picked up May 2, 2024.

**Executive Session:** A motion was made by Connie Olson to enter into executive session at 6:37 pm for contractual discussions. The motion was seconded by Jennifer Battles. The board came out of executive session at 7:36 pm.

There being no further business, the meeting was adjourned.

Respectfully Submitted,  
Sara Bender  
Office Manager

**RESOLUTION OF  
RAPID VALLEY SANITARY DISTRICT – WATER SERVICE  
BOARD OF TRUSTEES ANNEXING REAL PROPERTY**

WHEREAS Rapid Valley Sanitary District – Water Service is an organized sanitary district under the laws of South Dakota, and is located within Pennington County, South Dakota; and

WHEREAS Rapid Valley Sanitary District – Water Service has published notice once a week for two consecutive weeks of its intention to annex certain territory adjacent and within its boundaries said notice including the proposed resolution: and

WHEREAS Rapid Valley Sanitary District – Water Service held a public hearing on this matter at 4611 Teak Drive, Rapid City, South Dakota, 57703 at 7:00 PM on the 11<sup>th</sup> day of December 2023.

WHEREAS Rapid Valley Sanitary District – Water Service Board of Trustees have or will have received the consent of the Pennington County Commission approving this Resolution and the annexation of the property described below; and

WHEREAS the annexation of such territory is in the best interest of the Rapid Valley Sanitary District – Water Service and Pennington County in order to provide for safe rural water systems and sanitary systems within the County.

NOW, THEREFORE, BE IT RESOLVED that the annexation of the following described territory into the boundaries of Rapid Valley Sanitary District – Water Service is hereby approved:

The following properties are all in Pennington County.

A TRACT OF LAND IN THE SOUTHWEST CORNER OF THE SOUTHWEST  
QUARTER OF THE SOUTHWEST QUARTER (SW1/4SW1/4) OF SECTION  
TWELVE (12), TOWNSHIP 1 NORTH (T1N), RANGE 8 EAST (R8E), BLACK  
HILLS MERIDIAN (BHM), PENNINGTON COUNTY, SOUTH DAKOTA  
DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST

CORNER OF SAID SECTION, THENCE NORTH 530 FEET ALONG THE WEST LINE OF SAID SECTION, THENCE EAST 410 FEET PARALLEL WITH THE SOUTH LINE OF SAID SECTION; THENCE SOUTH 530 FEET TO THE SAID SECTION LINE; THENCE WEST 410 FEET TO THE PLACE OF THE BEGINNING; SECTION TWELVE (12), T1N, R8E, B.H.M., PENNINGTON COUNTY, SOUTH DAKOTA;

LOT ONE (1) OF VICTRA SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN BOOK 21 OF PLATS ON PAGE 45 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

LOT TWO (2) OF VICTRA SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN BOOK 21 OF PLATS ON PAGE 45 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

LOT THREE (3) OF VICTRA SUBDIVISION, PENNINGTON COUNTY, SOUTH DAKOTA, AS SHOWN ON THE PLAT FILED IN PLAT BOOK 21, PAGE 45.

LOT FOUR (4) OF VICTRA SUBDIVISION, PENNINGTON COUNTY, SOUTH DAKOTA, AS SHOWN ON THE PLAT FILED IN PLAT BOOK 21, PAGE 45.

LOT FIVE (5) OF VICTRA SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN BOOK 21 OF PLATS ON PAGE 45 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

LOT SIX (6) OF VICTRA SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN BOOK 21 OF PLATS ON PAGE 45 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

LOT SEVEN (7) OF VICTRA SUBDIVISION, AS SHOWN BY THE PLAT RECORDED IN BOOK 21 OF PLATS ON PAGE 45 IN THE OFFICE OF THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

S1/2S1/2N1/2SW1/4 AND S1/2SW1/4, EXCEPT A TRACT IN THE SW1/4SW1/4 DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SECTION 12, THENCE NORTH 530 FEET ALONG THE WEST LINE OF SAID SECTION, THENCE EAST 410 FEET PARALLEL WITH THE SOUTH LINE, THENCE WEST 410 FEET TO PLACE OF BEGINNING, AND EXCEPT THE E1/2E1/2SE1/4SW1/4 OF SAID SECTION 12, ALL IN SECTION 12, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA.

LOT 8 AND DEDICATED RIGHT-OF-WAY OF VICTRA SUBDIVISION IN THE SW1/4SW1/4 AND S1/2S1/2NW1/4SW1/4, SECTION 12, TOWNSHIP 1

NORTH, RANGE 8 EAST OF THE BLACK HILLS MERIDIAN,  
PENNINGTON COUNTY, SOUTH DAKOTA

LOT ONE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST  
QUARTER OF SECTION TWELVE, TOWNSHIP ONE NORTH, RANGE  
EIGHT, EAST OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY,  
SOUTH DAKOTA;

THE EAST THREE HUNDRED THIRTY FEET (E330') OF THE SOUTHEAST  
QUARTER OF THE SOUTHWEST QUARTER (SE1/4SW1/4) OF SECTION  
TWELVE (12) IN TOWNSHIP ONE NORTH (T1N), RANGE EIGHT EAST OF  
THE BLACK HILLS MERIDIAN (R8E BHM) EXCEPTING THEREFROM  
LOT ONE (1) OF THE SAID SE1/4SW1/4 AS SHOWN BY THE PLAT  
RECORDED IN BOOK 6 OF PLATS ON PAGE 98 IN THE OFFICE OF THE  
REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

THE NORTHWEST QUARTER (NW1/4); THE NORTH HALF OF THE  
NORTH HALF OF THE SOUTHWEST QUARTER (N1/2N1/2SW1/4) THE  
NORTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE  
SOUTHWEST QUARTER (N1/2S1/2N1/2SW1/4; AND THE NORTHWEST  
QUARTER OF THE SOUTHEAST QUARTER (NW1/4SE1/4); ALL IN  
SECTION TWELVE (12), TOWNSHIP ONE NORTH (T1N), RANGE EIGHT  
EAST OF THE BLACK HILLS MERIDIAN (R8E BHM), PENNINGTON  
COUNTY, SOUTH DAKOTA;

SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE1/4NE1/4),  
SECTION TWO (2), TOWNSHIP ONE (1) NORTH, RANGE EIGHT (8) EAST  
OF THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH  
DAKOTA;

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER  
(SW1/4SE1/4) OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO (2)  
NORTH OF RANGE EIGHT (8) EAST OF THE BLACK HILLS MERIDIAN,  
LOCATED IN THE COUNTY OF PENNINGTON, STATE OF SOUTH  
DAKOTA;

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER  
(NW1/4SE1/4) OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO (2)  
NORTH OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO (2) NORTH  
OF RANGE EIGHT (8) EAST OF THE BLACK HILLS MERIDIAN, LOCATED  
IN THE COUNTY OF PENNINGTON, STATE OF SOUTH DAKOTA;

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER  
(NE1/4SE1/4) OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO NORTH  
(T2N) OF RANGE EIGHT EAST OF THE BLACK HILLS MERIDIAN (R8E  
BHM), PENNINGTON COUNTY, SOUTH DAKOTA;

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER  
(SE1/4SE1/4) OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO NORTH  
(T2N) OF RANGE EIGHT EAST OF THE BLACK HILLS MERIDIAN (R8E  
BHM) PENNINGTON COUNTY, SOUTH DAKOTA;

LOT 1 OF ENGESSER SUBDIVISION NO. 2 AS SHOWN BY THE PLAT  
RECORDED AS DOCUMENT NUMBER A202120473 IN THE OFFICE OF  
THE REGISTER OF DEEDS, PENNINGTON COUNTY, SOUTH DAKOTA;

NE1/4SE1/4, SECTION 11, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE  
BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA;

TOWNSHIP 1 NORTH OF RANGE 8 EAST OF THE BLACK HILLS  
MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA:

SECTION 12: S1/2S1/2N1/2SW1/4 AND S1/2SW1/4; EXCEPTING  
THEREFROM A TRACT OF LAND LOCATED IN THE  
SW1/4SW1/4 DESCRIBED AS COMMENCING AT THE  
SOUTHWEST CORNER OF SECTION 12, THENCE NORTH  
530 FEET ALONG THE WEST LINE OF SAID SECTION,  
THENCE EAST 410 FEET PARALLEL WITH THE SOUTH  
LINE OF SAID SECTION, THENCE SOUTH 530 FEET TO  
SECTION LINE, THENCE WEST 410 FEET TO PLACE OF  
BEGINNING; AND EXCEPTING THEREFROM THE  
E1/2E1/2SE1/4SW1/4 (ALSO KNOWN AS THE EAST 330 FEET  
OF THE SE1/4SW1/4); AND EXCEPTING THEREFROM  
VICTRA SUBDIVISION AND PUBLIC RIGHT OF WAY.

LOT 1 OF VICTRA SUBDIVISION NO. 2 LOCATED IN THE SW 1/4SW 1/4  
OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE BLACK  
HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA

TOWNSHIP ONE (1) NORTH, RANGE EIGHT (8) EAST OF THE BLACK  
HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH DAKOTA:

SECTION 1: S1/2NW1/4; AND  
SW1/4

SECTION 2: E1/2

SECTION 11: NE1/4

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER  
(SW1/4NE1/4) OF SECTION 12, TOWNSHIP 1 NORTH, RANGE 8 EAST OF  
THE BLACK HILLS MERIDIAN, PENNINGTON COUNTY, SOUTH  
DAKOTA

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER  
(NE1/4SW1/4) OF SECTION THIRTY-FIVE (35) IN TOWNSHIP TWO  
NORTH (T2N) OF RANGE EIGHT EAST OF THE BLACK HILLS MERIDIAN  
(R8E BHM), PENNINGTON COUNTY, SOUTH DAKOTA

BE IT FURTHER RESOLVED that A certified copy of this Resolution and a map showing the area annexed with the new boundaries of the District are to be filed with the Office of the Pennington County Register of Deeds.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

RAPID VALLEY SANITARY DISTRICT – WATER SERVICE  
BOARD OF TRUSTEES

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President

ATTEST:

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Clerk



**RESOLUTION OF THE BOARD OF TRUSTEES OF RAPID VALLEY SANITARY DISTRICT – WATER SERVICE ADOPTING PROCEDURES FOR CONSTRUCTION MANAGER AT RISK**

WHEREAS, Rapid Valley Sanitary District – Water Service, a South Dakota Government Entity, desires required to develop a procedure for Construction Managers at Risk as an option for building improvement; and,

WHEREAS, the Board of Trustees find adoption of a procedure to be in the interest of the District and adopt said procedure;

NOW THEREFORE, BE IT RESOLVED, that the following procedure for Construction Managers at Risk be hereby adopted by the District:

**Section 1. Purpose**

Certain projects the Rapid Valley Sanitary District -Water Service determines to undertake may benefit in using a construction manager at risk. In order to comply with SDCL 5-18B-40 and 5-18B-44, the District shall select construction management firms to provide construction management at risk services in accordance with the following procedures.

**Section 2. Definitions**

For the purposes of this procedure, the following definitions shall apply.

"District" means the Rapid Valley Sanitary District -Water Service and its Board of Trustees.

"Firm" means any individual, firm partnership, corporation, association, joint venture, or other legal entity permitted by law to practice architecture, engineering, or construction contracting in the State of South Dakota

"Project" means a project described in a public announcement made pursuant to these rules.

Any term not defined in this Resolution shall use the definitions found in SDCL Chapters 5-18A through 5-18D.

**Section 3. Minimum Qualification Requirements for Firms Providing Construction Management At Risk Services.**

Construction Managers shall be registered with the Secretary of State as a domestic or foreign corporation, partnership, or joint venture. Construction Managers shall be registered with the Department of Revenue for tax purposes. The District may adopt qualification requirements for firms specific to any project in addition to the minimum qualifications by adopting specific qualifications for a project by resolution of the Board of Trustees.

**Section 4. Public Announcement Procedures**

Except in emergencies, the District shall publish an announcement in accordance with SDCL 5-18A and 5-18B. The announcement shall set forth a general description of the project requiring construction management at risk services. The announcement shall define the procedures for interested firms to apply for consideration, any specific qualifications, and set forth the deadline

for submitting applications.

### **Section 5. Review Committee**

There shall be a Review Committee (Committee) comprised of at least the manager of the District or his designee, the District engineer, and one member of the Board of Trustees. The Board of Trustees, in its discretion, may appoint up to an additional two individuals if circumstances warrant additional reviewers. The Committee shall have the responsibility for determining the most qualified offerors as provided in Section 6.

### **Section 6. Selection Criteria**

A. The District shall issue a Request for Qualifications (RFQ) by advertisement in accordance with 5-18B-44. The RFQ shall contain the following:

- i) a general description of the project;
- ii) whether the services required will be construction manager "at risk", or "at agency"
- iii) a description of the areas of qualification required for performance of the work, such as experience, management resources, and financial capability;
- iv) the basis upon how the most qualified offerors will be determined; the procedures for preparing and submitting proposals;
- v) a description of the qualifications the Construction Manager will be required to have;
- vi) a description of or reference to the proposed contract terms and conditions for the Construction Manager services contract, including a description of services he performs; and
- vii) any other requirements the District deems necessary for the project or required by state law.

B. Firms desiring to submit proposals on the construction management project shall submit a statement of qualifications setting forth the qualifications of the entities involved in the firm and providing any other information required by the RFQ.

C. The Committee shall determine the relative ability of each firm to perform the services required for each project. The Committee shall base its determination upon the following:

- i) experience with comparable projects;
- ii) financial and bonding capacity;
- iii) managerial resources;
- iv) the ability of the professional personnel;
- v) past performance;
- vi) capacity to meet time and budget requirements;
- vii) knowledge of local or regional conditions;
- viii) recent and current project workload;
- ix) the ability of the construction manager to complete the work in a timely and satisfactory manner;
- x) legal judgements against the construction manager; and

xi) references.

### **Section 7. Negotiations**

Negotiations between the District and those submitting proposals prior to the acceptance of a proposal shall be conducted through the Committee. The Committee shall endeavor at all times to maintain the confidentiality of said negotiations.

### **Section 8. Award**

The Committee shall present to the Board of Trustees its recommendations regarding the awarding of the contract. The Committee shall recommend the contract that it prefers or recommend that the District should not award a contract. The Committee upon approval of the Board of Trustees shall notify the successful construction manager in writing. Simultaneously, the Committee shall notify, in writing, the unsuccessful construction managers that their proposals were not accepted. The District, through the Board of Trustees, shall always have the right to reject all proposals and proceed with any other rights it has under South Dakota Law.

### **Section 9. Compliance with Applicable Law**

To the extent the actions of the Committee or the District need to incorporate additional steps under South Dakota state law or present additional information under South Dakota state law, the District and Committee will be authorized to pursue the construction manager at risk project pursuant to state law. To the extent that these procedures conflict with state law, state law shall control.

### **Section 10. Confidentiality**

The District will at all times make every effort to maintain the confidentiality of information provided by construction managers. Construction managers shall submit proposals as outlined in the RFQ to the District Engineer. Construction managers shall identify any proprietary information and submit as a separate document within the same proposal. The District Engineer shall identify and account for each copy of the construction managers' submittal and conduct an initial review of the submittals for the purpose of determining proprietary information and whether any additional considerations to confidentiality is required. The District Engineer shall share information only with the Committee. Before sharing any information, the District Engineer shall review the procedures and confidentiality requirements with each member of the Committee. Committee members shall return their copy of construction managers' submittal to the District Engineer for safekeeping upon completion of review.