

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

January 20, 2009

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Tuesday, January 20, 2009 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Sam Kooiker, Karen Olson, Ron Kroeger, Aaron Costello, Deb Hadcock, Lloyd LaCroix, Patti Martinson, Ron Weifenbach, and Bill Okrepkie; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: Malcom Chapman.

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Public Works Director Robert Ellis, City Engineer Dale Tech, Fire Chief Mark Rohlfing, Chief of Police Steve Allender, Parks and Recreation Director Jerry Cole, Community Resource Director Kevin Thom and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Special Council Gathering Report, Alderman LaCroix
- Request for Parking Ramp Update, Alderman Hadcock
- Report on condition of East North Street, Alderman Kroeger

The following items were removed from the agenda:

57. Table discussion of public safety and maintenance concerns at Countryside Mobile Home Court on East St. Patrick Street.

Motion was made by Weifenbach, seconded, and carried to adopt the agenda as amended.

APPROVE MINUTES

Motion was made by Hadcock, seconded, and carried to approve the minutes for December 30, 2008 Special Council Meeting and January 5, 2009 Regular Council Meeting

AWARDS AND RECOGNITIONS

Mayor Hanks presented the Veteran of the Month for January 2009 to Dean Foucault and recognized his efforts and dedication to the service of his country and community.

The Mayor presented a Certificate of Recognition to the following City employee acknowledging his years of dedicated service to the Rapid City community – Don Schmoll, Rapid City Fire Department - 25 years.

GENERAL PUBLIC COMMENT

Randy Hamburg, Chairman of the Board for the Rapid City Chamber of Commerce, addressed the Council and stated that the Chamber is in the final stages of evaluating a proposal to lengthen the Mayor's term to four years and Council member terms to three years. He stated that lengthening the terms would contribute to the best interest of good government. The suggested method for the changes to occur is by passage of an ordinance prior to the 2009 municipal election to establish the lengthened term for the Mayor beginning in 2011 and phase in the lengthened terms for Alderman in 2011 and 2012. He said he does not believe

that the current terms of office have produced less than quality results but thinks the lengthened terms provide a better foundation on which to govern. He said that they will be scheduling a town hall meeting by mid-March to present the proposal and receive public comment. Kooiker asked if there was discussion of home rule charter, and Hamburg confirmed there was not. Kooiker also asked if there would be a companion proposal to include term limits to which Hamburg replied that there is not. Kooiker suggested that this item is not placed on a Legal and Finance agenda until after the town hall meeting, and he added that this change would be best as an initiated measure with extensive discussion. Hadcock said it would be good to start the discussion by getting the topic out in the news and by placing it on the Legal and Finance agenda. She agreed that there will need to be many meetings and it might need to be voted on as an initiative. Hadcock moved to add the topic to the Legal and Finance agenda. Mayor Hanks confirmed that it is not appropriate to make a motion on the topic since it was not on the agenda. He said that any Council member can request that the topic is placed on the Legal and Finance agenda. Olson asked if there is normally discussion on General Comment, and Mayor Hanks said it is not typical.

NON-PUBLIC HEARING ITEMS -- *Items 3 - 52*

Motion was made by Olson, seconded, and carried to open public comment on Items 3 – 52. Ann Van Loan, Executive Director for Western Resources for Disabled Independents, read a letter from Kathy Erdal regarding item #21, increased transit fare rates. Erdal was appointed to the Mayor's Committee for Rapid Transit System. She uses the transit system herself and, even though her own budget is tight, she understands and supports the rate increase.

Motion was made by Okrepkie, seconded, and carried to close public comment on Items 3 – 52.

CONSENT ITEMS – *Items 3 – 52*

The following items were removed from the Consent Items:

21. No. PW011309-06 – Approve the recommended increased Transit Fare Rates.
29. No. LF011409-02 – Confirm appointment of Deb Hadcock, Ron Kroeger, Ron Weifenbach (Alternate), Denny Landguth (Chair), Tom Hennies (Vice Chair), Gary Brown (Alternate), David Hillard, Dave Janak, and a representative of the Pennington County Commission to the TIF District Project Review Committee.

Motion was made by Hadcock, seconded and carried to approve the following items as they appear on the Consent Items:

Vacations of Right-Of-Way Set for Hearing (February 17, 2009)

3. No. 08VR008 - A request by D.C. Scott Co. Land Surveyors for William Taylor for a **Vacation of Right-of-way** on the Monroe Street right-of-way from the east right-of-way line of Milwaukee Street to the west right-of-way line of the D.M.&E. railroad, located between and adjacent to Lots 11 thru 17 of Block 13, and Lot A of Block 18 of Wise's Addition to Rapid City, located in the S1/2 NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between Milwaukee Street and Waterloo Street and west of the DM&E Railroad Right-of-way.

Alcoholic Beverage License Applications Set for Hearing (February 2, 2009)

4. Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-sale) Wine, no video lottery

5. Bully Blends Coffee and Tea, Inc. DBA Bully Blends Coffee and Tea Shop, 410 5th Street, for a Retail (on-off sale) Malt Beverage, no video lottery
6. Wal-East Development Inc. DBA Jokers Casino South, 502 West Boulevard, for a Retail (On-Off Sale) Malt Beverage License TRANSFER from Sarf, Inc., 1320 Mt. Rushmore Road #C
7. Wal-East Development Inc. DBA Jackpot Casino East, 502 West Boulevard for a Retail (On-Off Sale) Malt Beverage License TRANSFER from ZBT, Inc., 2708 E. Highway 44
8. Rapid City Area Chamber of Commerce, for a Special Event Malt Beverage and Wine License, to be used on February 24, 2009 at the Rushmore Mall, 2200 N Maple Avenue
9. Rapid City Area Chamber of Commerce, for a Special Event Malt Beverage and Wine License, to be used on June 18, 2009 at the Black Hills Regional Eye Institute, 2800 3rd Street.
10. Rapid City Fine Arts Center, Inc. for a special Beer and Wine License for an event scheduled February 7, 2009 at Dahl Arts Center, 713 Seventh Street
11. Rapid City Fine Arts Center, Inc. for a special Beer and Wine License for an event scheduled February 21, 2009 at Dahl Arts Center, 713 Seventh Street
12. Rapid City Fine Arts Center, Inc. for a special Beer and Wine License for an event scheduled February 27 and 28, 2009 at Dahl Arts Center, 713 Seventh Street
13. Rapid City Fine Arts Center, Inc. for a special Beer and Wine License for an event scheduled March 7, 2009 at Dahl Arts Center, 713 Seventh Street

Public Works Committee Consent Items

14. No. PW011309-03 – Approve Change Order No. 8 Final for Dahl Fine Arts Center Remodel and Addition, to J. Scull Construction Services, Project No. IDP04-1367 / CIP No. 50101, for an increase of \$22,923.32.
15. No. PW011309-05 – Approve Change Order No. 1 for Elk Vale Low Level Reservoir, to Natgun Corporation, Project No. W07-1638, for a decrease of \$65,149.60.
16. No. PW011309-07 – Approve Change Order No. 3 Final for 43rd Court Water Main Reconstruction, to Simon Contractors of South Dakota, Inc., Project No. ST06-1529 / CIP No. 50606, for a decrease of \$5,769.45.
17. No. PW011309-09 – Approve Change Order No. 1 Final for 2008 Pavement Marking Project, to Dakota Traffic Services, LLC, Project No. PM08-1705 / CIP No. 50593, for a decrease of \$3,654.64.
18. No. PW011309-10 – Approve Change Order No. 4F for Anamosa Street Reconstruction - Phase 1, Milwaukee Street to LaCrosse Street, to Hills Materials Company, Project No. SSW05-1471 / CIP No. 50518, for a decrease of \$51,815.29.
19. No. PW011309-02 – Authorize Staff to Advertise for Bids for Blaine, Halley, Holcomb, East Jackson & North Maple Sewer Reconstruction, Project No. SS08-1711 / CIP No. 50420.
20. No. PW011309-04 – Authorize Mayor and Finance Officer to Sign an Agreement between City of Rapid City and the SD Department of Transportation for a Letting and Maintenance Agreement for

Project NH 0016(70)67 PCN 01W5, for a State Project located at the intersection of St. Patrick Street and US16 (Mt. Rushmore Road).

22. No. PW011309-12 – Authorize Staff to Purchase Three 2009 ADA Accessible Paratransit Vehicles, from the Superior Bus Sales, Becker, Minnesota, in the amount of \$233,985.
23. No. PW011309-01 – Authorize Staff to Advertise for Bids to Purchase one 2009 Transit Bus, in the amount of \$110,000.00.
24. No. 08VE031 - Approve a request by Larry Berube to consider an application for a **Vacation of a portion of a Utility and Minor Drainage Easement** on Lot 1R of Block 2 of Mountain View No. 2, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1712 Mesa Drive.

RESOLUTION OF VACATION
OF A PORTION OF A UTILITY AND
MINOR DRAINAGE EASEMENT

WHEREAS it appears that a portion of the utility and drainage easement on Lot 1R of Block 2 of Mountain View No. 2, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1712 Mesa Drive, is no longer needed; and

WHEREAS the owner(s) of the above-described property desire that said portion of the utility and minor drainage easement be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the portion of the utility and minor drainage easement heretofore described, as shown on Exhibit "A", attached hereto and incorporated herein, is not needed and is hereby vacated.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

25. No. PW011309-11 – Authorize Staff to Seek Proposals for Greenway Extension Project Design and Construction Administration.
26. Acknowledge the report on the South Valley Drive Annexation petitions.

Legal and Finance Committee Consent Items

27. No. LF011409-22 - Authorize staff to prepare the documents granting a public utility easement across Lot 2, Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota – Centerline for Olsen Development Company, Inc.
28. No. LF011409-01 – Approve Travel Request for Karen Gundersen Olson, Sam Kooiker and Lloyd LaCroix to attend Municipal Government Day at the Legislature February 3-4, 2009, in the approximate amount of \$1,050.50. (This amount includes \$210 for registration costs of six other attendees who are listed on other travel requests.)

- 30. No. LF011409-03 – Confirm reappointment of Kathy LaForest, Dave Kurtz, Doug Puetz, Brian Gosch, Tom Collings, Margot Burton, Shelly Schock, Sheryl Logan, and Ann Trask to the Mayor’s Committee on Disabilities for two year terms and confirm reappointment of Patti Martinson, Kay Rippentrop, Rich Sagen, and John Less as advisory staff members to the Mayor’s Committee on Disabilities.
- 31. No. LF011409-06 – Approve the Capital Plan for Streets, Drainage, and MIP Projects for December 2008.
- 32. No. LF011409-07 – Approve the Parks and Recreation Five Year Plan Reallocation of Funds.
- 33. Approve carry forward of \$100,000 for affordable housing.
- 34. Request staff to discuss alternatives with Qwest regarding one free parking space for Qwest in front of their building in the 700 Block of Kansas City Street for the purpose of loading and unloading equipment.
- 35. No. LF011409-08 – Authorize Mayor and Finance Officer to sign State of South Dakota Consultant Contract/Letter or Agreement for Consultant Services (January 5-16, 2009).
- 36. No. LF011409-25 – Authorize Airport Director to use personal airplane for traveling.
- 37. No. LF011409-09 – Approve Travel Request for Jim Preston, Pauline Sumption, Connie Ewing, and Tracy Davis to attend Municipal Government Day at the Legislature in Pierre February 3 and 4, 2009, in the approximate amount of \$420.
- 38. Acknowledge the following volunteers for workmen’s compensation purposes: Abbigayle Wells, Laurie Ales, Lois Schaefer.
- 39. No. LF011409-11 – Approve Resolution Writing off Credit Balance Water Accounts.

RESOLUTION WRITING OFF CREDIT BALANCE WATER BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain water billing accounts, shown on Appendix A, attached, and totaling \$804.04 are determined to be expired for refund.

WHEREAS, It is necessary to relieve the accounts payable of the City of Rapid City for these accounts.

NOW, THEREFORE IT BE RESOLVED, that the City Finance Officer be directed to removed such accounts from the active accounts of the city, said accounts being detailed in the official files of the City Finance Office.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 40. No. LF011409-12 – Approve Resolution Writing off Uncollectible Utility Billing Accounts.

RESOLUTION WRITING OFF UNCOLLECTABLE UTILITY BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain utility billing accounts, shown on Appendix A, attached, and totaling \$41,776.75 are uncollectable; and

WHEREAS, It is necessary to relieve the accounts receivable of the City of Rapid City for these accounts.

NOW, THEREFORE BE IT RESOLVED, by the City of Rapid City, that the City Finance Officer be directed to remove such accounts from the active receivable of the City, said accounts being detailed in the official files of the City Finance Office.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

- 41. No. LF011409-13 – Approve Allied Arts City subsidy disbursement in the amount of \$100,000.
- 42. No. LF011409-15 – Approve Resolution Establishing Encumbrances.

RESOLUTION ESTABLISHING ENCUMBRANCES

WHEREAS there are existing bills due and payable relating to Calendar Year 2008 operations of the City of Rapid City totaling \$3,358,842.41, and

WHEREAS it is desirable that these bills be charged to the 2008 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2008, in the amount of \$3,358,842.41.

GENERAL FUND 0101	
0101 MAYOR & COUNCIL	2,397.75
0103 COMMUNITY RESOURCES	376.13
0104 FINANCE	6,577.57
0105 GIS MAPPING	13,134.68
0106 ATTORNEY	2,046.44
0108 PUBLIC WORKS ADMINISTRATION	16,042.19
0109 GENERAL GOVERNMENT BUILDINGS	7,480.08
0111 HUMAN RESOURCES	2,997.16
0199 DISPATCH CENTER	76,267.09
0201 POLICE	151,270.76
0202 FIRE	83,623.44
0204 DEVELOPMENT SERVICE CENTER	18,436.37
0205 TRAFFIC ENGINEERING	27,294.17
0207 COMMUNITY PLANNING DIVISION	2,899.89

0209 EMERGENCY MANAGEMENT	1,002.00	
0301 STREETS & HIGHWAYS	13,899.27	
0302 SNOW REMOVAL	42,687.21	
0304 STREET LIGHTING	2,789.86	
0305 EQUIPMENT MAINTENANCE	5,373.82	
0401 STREET CLEANING	3,089.34	
0501 DETOXIFICATION CENTER	34,152.59	
0601 RECREATION	2,070.07	
0603 ICE ARENA	3,795.57	
0607 PARKS DEPARTMENT	13,237.43	
0609 LIBRARY	24,109.31	
0610 LIBRARY RURAL	22,443.88	
0612 SWIMMING POOL	10,756.28	
0618 PUBLIC TRANSPORTATION	17,797.35	
0620 PARK & RECREATION ADMINISTRATN	2,461.86	
0705 GROWTH MANAGEMENT	10.98	
0706 TRANSPORTATION PLANNING	38,124.79	
0707 HISTORIC PRESERVATION	17.54	
0708 AIR QUALITY	40.68	
0711 CODE ENFORCEMENT	1,442.96	
0713 SIGN CODE ENFORCEMENT	393.77	
0714 ADVOCATES FOR COMM ENHANCEMENT	233.45	
6024 INFORMATION TECHNOLOGY	29,109.31	
9202 HAZARDOUS MATERIALS	1,708.34	681,591.38
012 FUND 0107		
0124 ADMINISTRATION (2012)	370,593.86	
0132 SPECIAL PROJECTS	94,700.00	
0135 STREET IMPROVEMENTS	7,506.61	
0136 CIVIC CENTER EXPANSION	100,000.00	572,800.47
OCCUPANY TAX 0253		
0761 OCCUPANCY TAX		4.13
TID 54 RAINBOW RIDGE 0473		
0782 TID 54 RAINBOW RIDGE		1,210.69
TID 46 RED ROCK MEADOWS 0479		
0780 TID 46 RED ROCK MEADOWS		6,396.83
TID 51 KATELAND SUBDIVISION 0486		
0795 TID 51 KATELAND SUBDIVISION		918.94
TID 53 STONEY CREEK 0487		
0796 TID 53 STONEY CREEK		739.96
TID 38 HEARTLAND RETAIL 0491		
0800 TID 38 HEARTLAND RETAIL		7,889.58
TID 40 GANDOLF (PRIVATE) 0493		
0802 TID 40 GANDOLF (PRIVATE)		5,669.30
TID 41 STONERIDGE LLC 0494		

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0803 TID 41 STONERIDGE		25,552.60
TID 43 RED ROCKS RESERVOIR 0496		
0805 TID 43 RED ROCKS RESERVOIR		89,741.68
AIRPORT CONSTRUCTION FUND 0501		
0903 AIRPORT CONSTRUCTION		74,827.22
NEW MARKET INITIATIVE 0503		
0902 NEW MARKET INITIATIVE		4,177.97
CONSOLIDATED CONSTRUCTN FUND 0505		
0910 CONSOLIDATED CONSTRUCTION		296,761.58
COMMUNITY DEVELOPMENT 0510		
0930 COMMUNITY DEVELOPMENT		21,378.10
WATER ENTERPRISE FUND 0602		
0810 WATER OPERATIONS	45,938.13	
0933 WATER RPLACEMENT & IMPROVEMNT	126,886.09	
0934 WATER EXPANSION PROJECTS	63,995.91	236,820.13
WASTEWATER ENTERPRISE FUND 0604		
0830 WASTEWATER OPERATIONS	28,853.33	
0833 WASTEWATER REPLCEMT & IMPRVMNT	85,840.11	
0834 WASTEWATER EXPANSION PROJECTS	11,778.37	126,471.81
UTILITY FACILITIES 0605		
0835 UTILITY FACILITIES		111,538.51
AIRPORT ENTERPRISE FUND 0606		
0850 AIRPORT OPERATIONS		169,834.21
CEMETERY ENTERPRISE FUND 0607		
0860 CEMETERY		1,193.56
PARKING LOT & AREA FUND 0610		
0870 PARKING LOT & AREA		86,325.27
SOLID WASTE ENTERPRISE FUND 0612		
7101 WASTE COLLECTION		22,739.32
GOLF ENTERPRISE FUND 0613		
0604 GOLF ENTERPRISE		2,176.48
EXECUTIVE GOLF COURSE FUND 0614		
0605 EXECUTIVE GOLF OPERATIONS	605.27	
0606 LACROIX LINKS GOLF COURSE	67.83	673.10
SOLID WASTE DISPOSAL FUND 0615		
7102 WASTE DISPOSAL		75,919.72
SOLID WASTE/MRF COMPOST FUND 0616		

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7103 SOLID WASTE MRF/COMPOST FUND		91,478.82
AMBULANCE ENTERPRISE 0618		
0890 AMBULANCE ENTERPRISE		24,552.50
PAYROLL WITHHOLDING FUND 0702		
0922 PAYROLL WITHHOLDING		87,128.10
EDUCATIONAL LOAN FUND 0718		
1002 EDUCATIONAL LOAN		1,317.30
AIRPORT TERMINAL DEPRECIATION 0734		
0909 AIRPORT TERMINAL DEPRECIATION		270,378.60
CIVIC CENTER ENTERPRISE FUND 0775		
0911 CIVIC CENTER CONCESSION	1,575.78	
0913 CIVIC CENTER OPERATIONS	61,584.99	
0915 CIVIC CENTER CAPITAL OUTLAY	32,731.35	
0917 CIVIC CENTER TICKET OFFICE	70.01	
0919 CIVIC CENTER CVB	78,438.45	174,400.58
ENERGY PLANT REVOLVING FUND 0777		
0914 ENERGY PLANT		3,370.93
PASSENGER FACILITY CHARGE #2 0782		
0939 PASSENGER FACILITY CHARGE #2		29,196.43
TID 35 CHILDRENS HOME 0788		
0962 TID 35 CHILDRENS HOME		9,530.18
GROUP INSURANCE FUND 0789		
0963 GROUP INSURANCE		40,593.75
DENTAL INSURANCE FUND 0790		
0964 DENTAL INSURANCE		852.80
WORKERS' COMPENSATION FUND 0792		
0967 WORKERS' COMPENSATION		58.15
LIABILITY INSURANCE FUND 0793		
0968 LIABILITY INSURANCE		603.66
LIBRARY BOARD FUND 0996		
0971 LIBRARY BOARD		2,028.07
*** GRAND TOTAL ***		3,358,842.41

AND BE IT FURTHER RESOLVED that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

43. Recommend acceptance of the South Valley annexation petitions and place this item on the June 9, 2009, annual election ballot.
44. Direct staff to negotiate a contract with Pratt and Granicus for services regarding the audio/visual upgrades in the Council chambers.
45. No. LF011409-27 – Authorize Mayor and Finance Officer to sign Additional Services Agreement with New World Systems in an amount not to exceed \$25,500.
46. No. LF011409-24 – Approve Travel Request for John Wagner, Dan Coon, and Stacey Titus to travel to Zenon (GE) Manufacturing Plant in Toronto, Canada for site visit as part of the Rapid City Water Treatment Plant upgrades, Project No. W07-1689, CIP No. 50696, for membrane filter evaluation and inspection of membrane filters similar to those proposed for the Rapid City plants in the approximate amount of \$3,435.
47. No. LF011409-16 – Approve Travel Request for John Wagner, Dan Coon, and Stacey Titus to travel to Denver, Colorado for site visit as part of the Rapid City Water Treatment Plant upgrades, Project No. W07-1689, CIP No. 50696, for membrane filter evaluation and inspection of membrane filters similar to those proposed for the Rapid City plants in the approximate amount of \$1,914.
48. No. LF011409-17 – Approve Travel Request for Parks and Recreation Director Jerry Cole to attend the National Legislative Forum on Parks and Recreation in Washington, DC, March 17-22, 2009, in an approximate amount of \$2,452.
49. No. LF011409-18 – Approve Travel Request for Recreation Coordinator Matt Brandhagen to attend the National Institute of Golf Management in Wheeling, West Virginia from March 22-27, 2009, in an approximate amount of \$2,197.
50. No. LF011409-21 – Approve Travel Request for Jason Green and Joel Landeen to attend Municipal Government Day at the Legislature in Pierre, SD, February 3-4, 2009, in the approximate amount of \$365.
51. No. LF011409-26 – Approve raffle request from Crazy Horse Memorial.

Growth Management Department Consent Items

52. No. 08PL102 – Approve a request by Black Hills Area Habitat for Humanity for a **Preliminary Plat** on Blocks 73A, 73B and 73C of Mahoney Addition, located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Block 73 of Mahoney Addition, all located in the SE1/4, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1323 Midway Street.

END OF CONSENT CALENDAR

Motion was made by Kroeger and seconded to (No. PW011309-06) approve the recommended increased Transit Fare Rates. Kooiker said he understands why this is being brought forward as it has been many

years since the last rate increase. On a percentage basis, this is a large increase which will have a significant impact on those who use the transit system. He said he would prefer a more phased in approach as he does not like the timing of this increase with the economy in its current state. Upon vote being taken, motion carried with one NO from Kooiker.

Motion was made by Kooiker and seconded by Hadcock to (LF011409-02) confirm appointment of Deb Hadcock, Ron Kroeger, Ron Weifenbach (Alternate), Denny Landguth (Chair), Tom Hennies (Vice Chair), Gary Brown (Alternate), David Hillard, Dave Janak, and a representative of Pennington County Commission to the TIF District Project Review Committee. Mayor Hanks said that Brenda Young volunteered to serve on the committee, so he asked that the motion maker include her appointment as part of the motion. Kooiker confirmed that is part of his motion and Hadcock confirmed her second as well. Kooiker clarified that when the committee came forward the terms were indefinite. However, the terms are prescribed by the definition of the office that each person holds, so positions become vacant as the individual leaves their elected or appointed position. Motion carried with the additional appointment of Brenda Young.

NON-CONSENT ITEMS – *Items 53 – 62*

Motion was made by Hadcock, seconded and carried to open public comment on Items 53 - 62. Jay Davis spoke regarding Ordinance No. 5377. He explained that several individuals have worked on a proposed rewrite of the Human Relations Commission. The rewrite represents substantial pruning back of what is currently on the books, but he is in favor of the Ordinance. Rapid City has not had members appointed to a Human Relations Commission in approximately 20 years, but he feels there is a discrimination issue in Rapid City. He pointed out that the new ordinance repeals the power to issue subpoenas and make decisions subject to circuit court, but there are certain powers the Commission retains. He explained the Commission would make findings which would be forwarded to the State Human Relations Commission and it would provide for referring cases to mediation. He said it was also proposed that the Ordinance is amended to add discrimination on sexual orientation as an additional category. He would like to see progress in this area but thinks it would be cruel and contradictory to put language in the preamble only regarding sexual orientation discrimination and not provide information in the body of the Ordinance. He supports the proposed Ordinance as written with some reservations. Richard Fisher, a retired United Methodist Pastor, addressed the Mayor and Council to speak in favor of Ordinance No. 5377. He said it is better to have an amended code that is enforced than one that is stronger but not working. He believes the Ordinance is important because it shows the leaders of Rapid City are willing to say that fair play, equal opportunity and full protection of the law are essential parts of this community's values and actions. He also stated that this would establish a process by which citizens can have concerns heard and acted on and that they would be protected from false charges and complaints. He urged the Council to give positive consideration to the issue.

Motion was made by LaCroix, seconded and carried to close public comment on Items 53 – 62.

Ordinances

Ordinance No. 5460 (No. LF011409-14), an Ordinance Regarding Supplemental Appropriation No. 1 for 2009 was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5460 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

Ordinance No. 5377 (No. LF011409-19), an Ordinance to Amend the Rapid City Human Relations Commission by Amending Chapter 2.64 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker and seconded that Ordinance No. 5377 be placed on its first reading. Okrepkie said he hopes that some of the issues that were brought up can be addressed before the second reading. He would like to take some comments from the speakers tonight and come forward with a more appropriate ordinance that meets the requirements better. LaCroix thanked the members of the committee: Kevin Thom, Jason

Green, Jay Davis, Paul Longfox, Evelyn Kelly and Father Paul. He said they discussed numerous items related to discrimination and obtained data from Sioux Falls and other areas on what their Commissions had done. He said they also discussed examples and cases in Rapid City. They discussed the additional language regarding sexual orientation and agreed that the State and Federal level needed to change the legislation in order for the City to follow it. LaCroix said that the Ordinance is a work in process and asked Green if the Council would be giving direction to reinstate the Commission if this item is passed tonight. Green stated that there would not be express direction with the Council's action to ask the Mayor to reappoint the Committee. If the amended Ordinance is adopted, it is safe to assume that the Council has expressed their intention that the Committee be formed. LaCroix said that if anyone would like to discuss the topic he is open for questions. Hadcock thanked everyone who was a part of this subject and believes it is a step forward. Kooiker said he supports this Ordinance and hopes that it does not just become a decal on the window of the Mayor's office. He said he is not being critical of the current Mayor but believes this Ordinance needs to be enforced and committee needs to meet regularly. He also believes that we should take another look at the Sioux Falls Commission as an example. He said if we staff the Commission we would receive diverted federal funding that would otherwise go to the federal agencies involved. He added that it might require home rule, but it would be worth looking into. Kooiker also feels that City employees should be able to speak to their elected officials any time without fear of retaliation. Currently, the rules are interpreted that the issues subject to the grievance process cannot be discussed with a Council member. He said almost anything can be subject to the grievance process, so he would like to see the Ordinance amended. LaCroix said that Mr. Davis has been talking about the Human Relations Commission for quite a while, and he is pleased he took the initiative to keep the issue moving forward. LaCroix and Hadcock both stated that they agree with Kooiker but would like to see it added as a separate item on the Legal and Finance Committee agenda. Based on Kooiker's comments, Okrepkie asked if employees have to be careful when talking to a City Councilman. Mayor Hanks directed Green to respond but indicated that they are getting off the topic of Human Relations. Green confirmed but responded to Okrepkie's question. He said state statute requires that members of collective bargaining units deal with the governing body's designated representative for matters that are subject to collective bargaining. It also prohibits members of collective bargaining units or their agents from attempting to coerce the governing body with regard to the selection of your designative representative for collective bargaining. The collective bargaining units have negotiated grievance processes and they are required to invoke those before they take the issues to the Department of Labor or circuit court. He added that those topics are not appropriate discussions at Council level. Okrepkie said he will wait to discuss the issue at a more appropriate time. Motion carried and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

Ordinance No. 5393 (No. LF052808-23A), an Ordinance to Create a Life Safety Loan Program by Amending Title 3 of the Rapid City Municipal Code was introduced. Motion was made by Kooiker, seconded and carried that Ordinance No. 5393 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

Legal & Finance Committee Items

Motion was made by Okrepkie and seconded to (No. LF011409-04) recommend designating the North Elk Vale property as the site for the soccer complex. LaCroix wanted to acknowledge that he will abstain from voting on this item. Olson stated that it was clear from a presentation made in the Legal and Finance meeting that the Elk Vale site best met the needs of the organization and city, so she is in support of the motion. Weifenbach said it was not a unanimous decision, and the presentation did not represent the facts. He said there are substantial costs to bring water and sewer to the Elk Vale site, and the Wally Byam site costs are much less. He thinks, at some level, the soccer group believes that the City will provide the infrastructure to the site. Weifenbach asked the Mayor who will pay for the infrastructure. He said he is disappointed in the process in that if an individual appointed to the committee expressed interest in a site other than Elk Vale they were publicly beaten. He hopes that if the Elk Vale property is approved the Council is prepared to tell the soccer community how the infrastructure will be paid for as he does not want to give them false hope. He said they need to understand what they need to provide versus what the City

will pay for. He also mentioned there are no flood maps for the Elk Vale area and that consideration of this was not brought forward in this recommendation. Mayor Hanks asked Weifenbach if he has concerns regarding the make-up of the Task Force. Weifenbach stated that he does have concerns and disagrees with the public humiliation of people with different view points. Mayor Hanks said names were brought to him from the Soccer Association and he tried to balance those individuals with Council members on the task force. Weifenbach said he felt the facts were not reviewed properly during committee meetings. He said one particular person from the Soccer Association sent a letter to the Mayor telling him to not listen to a certain person that the Mayor appointed to the committee, and he feels this is in bad taste. Olson said there is \$3.8 million dollars from the City to build this complex, and she understands that the soccer community is aware of the infrastructure issues. She said it appears that the site offered in the motion is the best overall site for this recreation facility and does not urge the Council to look at any additional funding on behalf of the City. Hadcock said it seems more feasible to use the Wally Byam site as more could be accomplished with the difference in costs. She asked why the decision was made to use the Elk Vale property. She said her focus would be to raise money first and then come back to decide on a site. She then asked for the point of view from someone on the Soccer Task Force. Kroeger said that originally the task force looked at the Wally Byam site and the Council said it was too expensive. He also commented that he agrees with Olson regarding the funding in that \$3.8 million is the only amount allocated to them so they need to use that money as they see fit. He supports approval of the site. Kooiker asked the status of property tax payments from May 2008 to the present time. He said based on an email from the potential donor the prediction was that the valuation would increase by \$2 million on November 1, 2009. Elkins said the assessed values are not currently posted and the property is listed under the City of Rapid City until the issue is resolved. The estimated value of taxes due for that period is about \$188. Kooiker asked the approximate value of improvements needed for Degeest St. and the value of this donation. He said it appears that the value of this donation far exceeds the cost of Degeest St. improvements and does not understand why the owner does not fix it instead of the City needing to sue the owner. This leads him to believe that this is not a gift without strings attached. Mayor Hanks reminded Kooiker that this discussion is about the soccer land only. Based on an email Kooiker received from 9/24/2008, the donor declined to release information on the flood plain that was submitted to FEMA. Kooiker said this area was impacted during the 1972 flood and has had flooding since then. Elkins said that information had not been submitted to FEMA at that time and believes that it has now. Kooiker suggested that information is reviewed before the site is selected. He also wanted to note that the Elk Vale site is the most expensive out of the seven considered. He asked if treated water needs to be used to irrigate the fields, and Ellis explained that the plans show a drilled well at the site. Therefore, there are no provisions for treated water. Kooiker said he received a message that a consultant suggested there might be a quid pro quo involving a TIF in exchange for land donation. The property owner then asked that this consultant be removed from any selection process relating to this site. Kooiker asked how the consultant selection is being handled, and Ellis confirmed that if the City is involved in the selection of a consultant the notice would be advertised and a group would review the proposals to select a consultant. Mayor Hanks addressed the concern of a quid pro quo, and Ellis said he is not aware of any discussions about that. Ellis said he does not even have the ability to promise a TIF. Elkins said it was made very clear to the property owner that there would be no quid pro quo or trade offs and it would be up to Council to approve tax increment financing. Kooiker then said the Soccer Association wants to use the land designation as their match and asked if he understood that correctly. Elkins said information was provided to the group that it may not meet requirements of Council, but it would be a Council decision. Kooiker asked if someone from the soccer organization can tell the Council if that is part of their request. Frank Bettman addressed the Council as he is on the task force and is a spokesperson for the Soccer Rapid City Organization. He said the answer to Kooiker's question is that they do not know, which is one of the reasons they need a designated parcel. Kooiker said a clause in the deed states that the property would revert back to the property owner after five years if there is no progress on the site. He asked Green when the five years starts. Green explained that his assumption is that the five years would start from the date of the deed, but he is not sure without reviewing the deed. Kooiker said the deed was not lawfully executed in that it was not voted on by City Council to accept. Green clarified that formal acceptance is a separate issue from effective execution and said that will be coming back to the Council in February. Kooiker asked and Green clarified that his inclination is that the five years would start from the date of the deed regardless of

the date of formal acceptance. Kooiker said the City has allocated \$3.8 million so the Elk Vale property at \$4.3 million already causes a deficit of \$500,000. He summarized his comments and said he thinks more due diligence is necessary. Hadcock said she is only judging what is happening tonight. She said she trusts that the Council members, other task force members and the Mayor have done extensive discussion and that this has been a fair process. Weifenbach clarified that he does not think the committee was stacked. He is just disappointed in other issues that evolved. He asked Bettman if he understands that if the Council chooses to vote on the site the infrastructure costs are the responsibility of the soccer association as there is no other funding available. Bettman said he understands that is a possibility but not a fact. He said they do not know where the funding sources will come from and that has been part of the problem preventing them from moving forward. Weifenbach agreed but said that there is an underlying assumption from the Soccer Association that the chosen site will be ready to play soccer on. Their understanding was the 2012 funds were to pay for the building of the fields and the \$3.8 million was not to be spent on infrastructure. Weifenbach said not all facts were considered and brought forward during the Legal and Finance meeting in reference to cost estimates. He wants to make sure everyone understands who is going to pay for this, and he will not support future requests for streets, water and sewer funding. He said this project will cost much more than the \$4.3 million estimate, and the TIFs have worked themselves down to an estimate of \$7 million. He wants the Soccer Association to clearly understand that the Council is not committed to providing infrastructure to this site or any other site. Bettman confirmed that he understands there have been no final decisions with respect to funding sources. He stated they understand clearly that a number of factors must be reviewed including the funds that need to be spent for any site. Weifenbach also stated that the review committee did not consider the cost of infrastructure in the vote that came forward from Legal and Finance to this Council.

Substitute motion was made by Weifenbach to deny the recommendation from the soccer task force to designate a site. Okrepkie thanked the Mayor for selecting him to be on the subcommittee and said he has been working with the soccer organization for about three years. He said they worked hard to get where they are today and said this is an opportunity to turn the soccer complex into a world class place. He sees the possibilities and said this could have a huge economic impact to the community. He said the land match makes sense but they need a land designation. He hopes that the current motion is disapproved so that this site can be designated. Olson reiterated that there is \$3.8 million set aside for a soccer complex. This project does not require match but rather a gift from the City of \$3.8 million. The soccer community needs to raise any additional funds required to make the complex work. She added that there has not been a proposal for TIF. Martinson asked Weifenbach to clarify if his issue is that he does not want to see the soccer community come back to the City for additional funding if they cannot raise it on their own. Weifenbach stated that the soccer organization was originally told that the City would provide the land and infrastructure, so he wanted to make it clear that this is not the truth in this situation. He also added that there was a TIF that came forward to this committee. He said he does have a concern about them asking for more taxpayer money. Martinson asked Bettman to confirm that the soccer community is aware that they are not guaranteed additional funds above the \$3.8 million. Bettman confirmed that he understands there is no guarantee for additional funds. Costello said he appreciates the other Council members concerns and optimism, and he agrees the possibilities are great. He is in favor of the Elk Vale property. Upon a roll call vote of the substitute motion to deny the recommendation for site designation, the following voted AYE: Kooiker and Weifenbach; NO: Olson, Kroeger, Costello, Hadcock, Martinson, and Okrepkie. Motion failed on a 2 to 6 vote with LaCroix abstaining.

Costello reiterated that he is excited for this to move forward. Upon a roll call vote of the original motion to approve the recommendation for site designation, the following voted AYE: Olson, Kroeger, Costello, Hadcock, Martinson, Okrepkie; NO: Weifenbach and Kooiker. Motion carried on a 6 to 2 vote with LaCroix abstaining.

Okrepkie moved to accept the land, and Mayor Hanks stated that motion would not be in order since it was not on the agenda. Okrepkie stated that he offered the motion because the motion could not be made until they got through the site designation process, so he asked the Council to consider it. Green confirmed it

cannot be added unless there is unanimous consent. He said it would not be best practice to discuss the subject without it being on the published agenda, and he said he believes it will appear on one of the agendas in February. Okrepkie asked to add the topic to the Legal and Finance agenda, and the Mayor said he can do that individually as an Alderman. Green said the Council has previously taken action to continue the item, so the Council action would supercede any action the Committee would take. Green recommended that this topic is taken up in the time line already established by the Council.

Public Works Committee Items

Motion was made by Kroeger and seconded to (No. PW011309-08) Authorize Mayor and Finance Officer to Sign an Agreement between City of Rapid City and Ferber Engineering Company, Inc. for the Dover Street Drainage Improvements, Project No. DR05-1452 / CIP No. 50025, in the amount of \$98,070.00. Weifenbach requested the total cost of the project as a follow up to a question that was asked by a constituent during the Public Works Committee meeting. Ellis stated that the total cost of the construction of the project is \$990,000, and one component of the design contract is to do the design of the construction and the Red Dale drainage basin design plan. This accounts for half of the total. His opinion is that this is a very fair contract that was negotiated for the taxpayers. Olson asked how Heartland Court is involved, and Ellis said about \$285,000 of this project is for the relocation of Heartland Court. He explained that Heartland Court currently connects with Jackson Boulevard, and this project would connect it with another residential street to improve the function of the street. It would not affect any neighboring property owners. Motion carried.

Bids

The following companies submitted bids for (No. CC012009-02), Automated Side Loading Refuse Collection Truck for Solid Waste Division opened on January 13, 2009: Northern Truck Equipment Corp., Sanitation Products, Inc. and Sheehan Mack Sales and Equipment. Staff reviewed the bids and recommends the bid award to Sanitation Products, Inc. Motion was made by Martinson and seconded to approve the bid award for Automated Side Loading Refuse Collection Truck for Solid Waste Division to the lowest responsible bidder meeting specifications, Sanitation Products, Inc., for the low unit prices bid for a total contract amount of \$226,990.00.

Council Items & Liaison Reports

LaCroix said that earlier in the year he and Council President Hadcock met to discuss things they could do for teamwork among the Council members since they do not spend much time together. They decided to have a skating party at the Ice Arena, and they also had a workshop on communication. He thanked the Council for participating in the workshop and feels they each know more about each other because of it. He welcomed comments from other Council members.

Hadcock requested an update on the parking ramp. Ellis stated that the parking ramp opened on Saturday, January 17, 2009. They completed the project in a timely manner and were able to add 174 spaces with the addition of the third level. They also replaced the incandescent lighting with LED to reduce the consumption, and they addressed the pigeon problem. There is a little work to be finished, but the project was on time and on budget. Hadcock said the Council made a goal to add parking to the downtown area and that goal is closer now with thanks to Mayor Hanks and the Public Works Department.

Kroeger addressed the condition of East North Street and asked Ellis to report on the status of the street. Ellis explained that they recognize that certain parts of East North Street are in need of repair, so their immediate plan is to cold patch the potholes. They will then spend about \$50,000 to \$75,000 to do overlay in the areas that need it most, including the intersection with LaCrosse Street. This was formerly a state highway and through a road swap agreement the City took ownership on the condition that the Department of Transportation fund 50% of the total reconstruction of East North Street from Cambell to south of Omaha.

They have hired KLJ Engineering to start the design process which will be about an \$18 million project. They were scheduled to begin in 2009, but their funding partner does not have the resources to partner with the City yet. It appears that they will have available funds in 2011. Kroeger said this was once the main entrance to the City of Rapid City and it is a disgrace to have visitors drive on that street when they first enter the City. He asked if the Department of Transportation would pay 50% of the patching, and Ellis did not believe they would. Hadcock said several residents mentioned the issue to her as well and she said it is an important concern for the City. LaCroix thanked Ellis for sending a report to the North Rapid City Association to publish in their paper and on their website. Costello asked Ellis if the plan will provide bicycle lanes, and Ellis confirmed they asked the design consultant to look at that issue. They are restricted because of narrow right-of-way that exists, but their goal is to make the road pedestrian and bicycle friendly. Costello expressed his interest in bicycle lanes throughout the City. Kooiker complimented Public Works on their efforts with Anamosa Street, and he stated that he hopes the East North Street improvements will go past the railroad tracks. Ellis stated that the Anamosa Street project was on time and under budget, and the East North Street improvements will go down to Quincy. Weifenbach agreed that East North Street is in terrible condition and mentioned that he recently saw workers filling potholes. He also reminded the Council that during budget planning Okrepkie asked for \$50,000 for filling potholes but was denied. Weifenbach also hopes that the new design of East North Street allows for pedestrians to cross the street as it is difficult for them to find a place to cross. Mayor Hanks pointed out that the City of Rapid City was in the design phase with funds identified, but the state does not have funding available to fulfill their commitment which has caused the delay with the project.

Appeals - Sign Code Appeals

Motion was made and seconded to deny without prejudice, at the applicant's request, (CC110507-03) a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Cabela's Retail, Inc. for wall signs, joint identification sign, and ground monument sign on Lot 3, Forefather Flats Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3231 East Mall Drive (Continued from 11/05/07, 12/03/07, 1/22/08, 2/19/08, 3/3/08, 3/17/08, 4/7/08, 5/5/08, 6/2/08, 8/18/08, 11/17/08); and deny without prejudice, at the applicant's request, (No. CC110507-04) a Notice of Appeal from the Requirements of the Rapid City Sign Ordinance, Chapter 15.28 by Rapid Center, LLC for joint identification sign on Lot 3, Starlite Subdivision, and a portion of the SW1/4 of Section 28, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota (Continued from 11/05/07, 12/03/07, 01/22/08, 2/19/08, 3/3/08, 3/17/08, 4/7/08, 5/5/08, 6/2/08, 8/18/08, 11/17/08) Kooiker asked why this is going away in such a fashion. Elkins stated that, due to the change in the economic situation, the applicant does not know when they will move forward with this project, and they recognize that they can bring back the item in the future beginning with the Sign Code Board of Appeals. Okrepkie asked the status of the sign, and Elkins stated that the applicant does not intend to build the sign as originally proposed. Okrepkie asked if they wanted to proceed but were told no by the City. Elkins said the action by the Sign Code Board of Appeals was to deny the request to build the taller sign. They appealed that decision and each continuation was at the request of the applicant. Elkins clarified that there is no sign in place currently, and they have simply decided not to move forward with the request. Okrepkie asked if they are backing off because they were denied by the Sign Code Board of Appeals, and Elkins stated that is not correct. They have indicated that they do not want to move forward with a sign of that height. Okrepkie asked if the issue became too difficult and they gave up. Elkins said that the continuations have been at the applicant's request. Motion carried.

Motion was made by Kooiker, seconded and carried to continue (No. CC121508-04), Donald W. Rice, Aggressive Auto to the February 2, 2009 City Council meeting.

PUBLIC HEARING ITEMS – Items 63 -81

Motion was made by LaCroix, seconded, and carried to open the public hearing on items 63 - 81. No comments were offered.

CONTINUED PUBLIC HEARING CONSENT ITEMS – *Items 63 – 65*

Motion was made by Hadcock, seconded, and carried to approve the following items as they appear on the Continued Public Hearing Consent Items. Kooiker requested that the Planning Commission minutes be attached to item 65.

Continue the following items until February 2, 2009:

63. No. 08PL098 - A request by Dream Design International Inc. for a **Preliminary Plat** on Lots 29 thru 33 of Block 3 of Homestead Plaza Subdivision, located in the S1/2 NW1/4 and in the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of F&N Subdivision, the balance of the E1/2 SW1/4 NW1/4, the balance of the SE1/4 NW1/4, located in the S1/2 NW1/4 and the N1/2 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Timmons Boulevard, south of Neel Street and west of Big Sky Drive.
64. No. 08PL145 - A request by Sperlich Consulting, Inc. for Ronald Shape for a **Preliminary Plat** on Lot 13 of Block 6, Lots 2 thru 11 of Block 7, Lots 2 thru 11 of Block 8 of Homestead Subdivision, located in a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SE1/4 of the NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the eastern terminus of Homestead Street and north of Carl Avenue.
65. No. 08SV054 - A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install water as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R-2 of Block 3 of Rainbow Ridge Subdivision, located in E1/2 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1R of Block 3 of Rainbow Ridge Subdivision, located in the SE1/4 NE1/4, and a portion of the NE1/4 NE1/4, Section 23, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest terminus of Bunker Drive.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made by Okrepkie, seconded, and carried to close the public hearing on items 63 - 81.

CONSENT PUBLIC HEARING ITEMS – *Item 66 – 72*

Motion was made by Kroeger, seconded and carried to approve (No. 08VR005) a request by City of Rapid City for a **Vacation of Right-of-way** on the entire Second Street Right-of-way from the South Street Right-of-way south of the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition, and a 60 foot wide portion of the Second Street Right-of-way located on the east side of Block 5 of Flormann Addition, from the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition south to 12 foot north of the northeast corner of Tract Y of Flormann Addition located in the S1/2, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Second Street and Signal Drive. Kooiker asked Elkins for background information on this request. Elkins stated a reservoir owned by the City of Rapid City is adjacent to this property. Improvements have been proposed to the property and, because structures are involved, they are vacating the right-of-way. The ownership will go to the adjoining property owners, and in large part, that will be City of Rapid City. The request accommodates the construction of vaults associated with the reservoir. Kooiker asked if this request has a benefit to other land owners, and Elkins stated they would have improved water service.

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that the entire Second Street Right-of-way from the South Street Right-of-way south to the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition, and a 60 foot wide portion of the Second Street Right-of-way located on the east side of Block 5 of Flormann Addition, from the south lot line of Lots 16 thru 18 of Block 5 of Kellogg Addition south to 12 feet north of the northeast corner of Tract Y of Flormann Addition located in the S1/2, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Second Street and Signal Drive; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent 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 Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

Motion was made by Kroeger, seconded and carried to approve (No. 08VR006) a request by City of Rapid City for a **Vacation of Right-of-way** on the entire South Street Right-of-way located south of Block 128 of the Original Town of Rapid City and south of the previously vacated portion of Second Street Right-of-way located on the east side of Block 128 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Third Street and South Street.

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that the entire South Street Right-of-way located south of Block 128 of the Original Town of Rapid City and south of the previously vacated portion of Second Street Right-of-way located on the east side of Block 128 of the Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located South Street east of the intersection of Third Street and South Street; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent 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 Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 20th day of January 2009.

CITY OF RAPID CITY

ATTEST:
s/ James F. Preston
Finance Officer

s/ Alan Hanks

(SEAL)

Motion was made by Kroeger, seconded and carried to approve (No. 08VR007) a request by City of Rapid City for a **Vacation of Right-of-way** on the remaining portion of Saint James Street right-of-way located between Block 5 and Tract Y of Flormann Addition beginning at the Second Street Right-of-way and extending west a distance of 180 feet located in the NE1/4 SW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Second Street and St. James Street.

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that the remaining portion of Saint James Street right-of-way located between Block 5 and Tract Y of Flormann Addition beginning at the Second Street Right-of-way and extending west a distance of 180 feet located in the NE1/4 SW1/4, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of the intersection of Second Street and St. James Street; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent 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 Officer are hereby authorized to execute a release of public right-of-way in regard thereto.

Dated this 20th day of January 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks

(SEAL)

Alcohol Licenses

Motion was made by Kooiker, seconded and carried to approve James R. Schuh DBA Black Hills Chapter of Germans from Russia Heritage Society, 4500 Jackson Boulevard for a special Beer License for an event scheduled February 21, 2009.

Motion was made by Kooiker, seconded and carried to approve Carolyn's Casinos, Inc. DBA Carolyn's Too, 1141 Deadwood Avenue Suite 2 for a Retail (On-Sale) Malt Beverage License TRANSFER from Carolyn's Casinos, Inc. DBA Carolyn's Casino, 512 West Boulevard.

Motion was made by Kooiker, seconded and carried to continue Wal-East Development, Inc. DBA Jackpot Casino Too #2, 1415 N. LaCrosse Street #3B for a Retail (On-Sale) Malt Beverage License TRANSFER from High Plains Securities, Inc DBA High Plains Securities, 4030 Cheyenne Boulevard, to the February 2, 2009 Council meeting pending CUP approval.

Retail (On-Sale) Wine License Renewal for 2009

Motion was made by Kooiker, seconded and carried to approve Northstar, Inc. DBA Hunan Chinese Restaurant, 1720 Mt. Rushmore Road for a Retail (On-Sale) Wine License.

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 73 - 81

The Mayor presented (No. 08RZ048), a first reading of Ordinance 5461, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the E1/2 SE1/4, Section 32, and the SW1/4, Section 33, all located in T2N, R8E, BHM; and Government Lot 4 and the SW1/4 NW1/4 and the NW1/4 SW1/4 less Lot A, located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Valley Drive and east of Valley Drive and north of S.D. Highway 44. Motion was made by Kroeger, seconded and carried that Ordinance No. 5461 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ049), a first reading of Ordinance 5462, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Ron Bengs of Advanced Engineering for Ross and Judy Rohde for a **Rezoning from General Agricultural District to Light Industrial District** on Lot 1 of Lot J except Lot 3 of Lot 1 of Lot J in the SE1/4 NW1/4 and the NE1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Kennel Drive. Motion was made by Kroeger, seconded and carried that Ordinance No. 5462 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ050), a first reading of Ordinance 5463, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. for a **Rezoning from Office Commercial District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, and formerly described in zoning document as a portion of Parcel 5 Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the southwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the dedicated right-of-way of East Minnesota Street, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 08 40'18", an arc length of 35.74 feet, a chord bearing of N33°40'42"W, and a chord distance of 35.70 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 5; Thence, second course: N69°52'14"E, along the northerly boundary of said Rezone Parcel 5, a distance of 89.73 feet, to a point of curve; Thence, third course: northeasterly, along the northerly boundary said Rezone Parcel 5, curving to the left on a curve with a radius of 1362.13 feet, a delta angle of 01°29'07", an arc length of 35.31 feet, a chord bearing of N69°07'40"E, and a chord distance of 35.31 feet, to a point intersecting the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the westerly boundary of Lot 14 of Block 10 of Robbinsdale Addition No. 10; Thence, fourth course: S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 10 of Robbinsdale Addition No. 10, a distance of 6.08 feet, to the southeasterly corner of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of said Lot 14 of Block 10 of Robbinsdale Addition No. 10; Thence, fifth course: southwesterly, along the northerly edge of the dedicated right-of-way of East Minnesota Street, curving to

the left on a curve with a radius of 1343.10 feet, a delta angle of 05°09'18", an arc length of 120.84 feet, a chord bearing of S55°55'34"W, and a chord distance of 120.80 feet, to the southwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the northerly edge of the dedicated right-of-way of East Minnesota Street, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning, located at 4182 Wisconsin Avenue. Motion was made by Kroeger, seconded and carried that Ordinance No. 5463 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ051), a first reading of Ordinance 5464, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. for a **Rezoning from Low Density Residential District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 13.55 feet, to a point intersecting the easterly boundary of a previously described Rezone Parcel 4, and the Point of Beginning; Thence, first course: N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 59.91 feet, to a point intersecting the westerly boundary of a previously described Rezone Parcel 7; Thence, second course: S18°38'33"E, along the westerly boundary of said Rezone Parcel 7, a distance of 1.69 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, third course: S69°52'14"W, along the northerly boundary of said Rezone Parcel A, a distance of 59.92 feet, to a point intersecting the easterly boundary of said Rezone Parcel 4; Thence, fourth course: N18°38'33"W, along the easterly boundary of said Rezone Parcel 4, a distance of 2.20 feet, to a point intersecting the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, and the Point of Beginning, located at 4182 Wisconsin Avenue. Motion was made by Kroeger, seconded and carried that Ordinance No. 5464 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009. Kooiker asked for the difference between Low Density Residential and Low Density Residential II. Mayor Hanks stated that Low Density Residential II would allow town homes, and Elkins confirmed it allows a two unit town home or duplex.

The Mayor presented (No. 08RZ052), a first reading of Ordinance 5465, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. for a **Rezoning from Low Density Residential District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, Located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northeasterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10, Thence, S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of Lot 14 of Block 23 of Robbinsdale Addition No. 10, a distance of 3.82 feet, to a point intersecting the southerly boundary of a previously described Rezone Parcel 7, and the Point of Beginning; Thence, first course: S25°27'00"E, along the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 10 of Robbinsdale Addition No. 10, a distance of 80.18 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 5; Thence, second course: southwesterly, along the northerly boundary said Rezone Parcel 5, curving to the right on a curve with a radius of 1362.13 feet, a delta angle of 01°29'07", an arc length of

35.31 feet, a chord bearing of S69°07'40"W, and a chord distance of 35.31 feet, to a point of tangency; Thence, third course: S69°52'14"W, along the northerly boundary of said Rezone Parcel 5, a distance of 89.73 feet, to a point intersecting the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, fourth course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 00°42'23", an arc length of 2.91 feet, a chord bearing of N28°59'21"W, and a chord distance of 2.91 feet, to a point intersecting the southerly boundary of a previously described Rezone Parcel A; Thence, fifth course: N69°52'14"E, along the southerly boundary of said Rezone Parcel A, a distance of 47.89 feet, to the southeasterly corner of said Rezone Parcel A; Thence, sixth course: N00°17'26"E, along the easterly boundary of said Rezone Parcel A, a distance of 82.29 feet, to a point intersecting the southerly boundary of a previously described Rezone Parcel 7; Thence, seventh course: N69°27'42"E, along the southerly boundary of said Rezone Parcel 7, a distance of 41.45 feet, to a point intersecting the easterly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the westerly boundary of said Lot 14 of Block 23 of Robbinsdale Addition No. 10., and the Point of Beginning, located at 4182 Wisconsin Avenue. Motion was made by Kroeger, seconded and carried that Ordinance No. 5465 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ053), a first reading of Ordinance 5466, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Sperlich Consulting, Inc. for Gary Rasmusson/Walgar Development Corp. for a **Rezoning from Office Commercial District to Low Density Residential II District** on a portion of Lot 27 of Block 23, Robbinsdale Addition No. 10, and formerly described in zoning document as a portion of Parcel 4, and formerly described in zoning document as a portion of Parcel A, located in the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, More fully described as follows: Commencing at the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwest corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning; Thence, first course: N70°21'03"E, along the northerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southerly boundary of said Lot 1 of Block 23 of Robbinsdale Addition No. 10, a distance of 13.55 feet, to a point intersecting the easterly boundary of a previously described Rezone Parcel 4; Thence, second course: S18°38'33"E, along the easterly boundary of said Rezone Parcel 4, a distance of 2.20 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, third course: N69°52'14"E, along the northerly boundary of said Rezone Parcel A, a distance of 66.39 feet, to the northeasterly corner of said Parcel A; Thence, fourth course: S00°17'26"W, along the easterly boundary of said Parcel A, a distance of 85.27 feet, to the southeasterly corner of said Parcel A; Thence, fifth course: S69°52'14"W, along the southerly boundary of said Parcel A, a distance of 47.89 feet, to a point on the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point on the easterly edge of the dedicated right-of-way of said Wisconsin Avenue; Thence, sixth course: northwesterly, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, curving to the right on a curve with a radius of 236.12 feet, a delta angle of 08°57'01", an arc length of 36.88 feet, a chord bearing of N24°09'39"W, and a chord distance of 36.85 feet, to a point of tangent on the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to a point of tangent on the easterly edge of the dedicated right-of-way of Wisconsin Avenue; Thence, seventh course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 40.47 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel 4; Thence, eighth course: N19°41'41"W, along the westerly boundary of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.69 feet, to a point intersecting the northerly boundary of a previously described Rezone Parcel A; Thence, ninth course: N19°41'41"W, along the westerly boundary of said Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the easterly

edge of the dedicated right-of-way of said Wisconsin Avenue, a distance of 2.31 feet, to the northwesterly corner of Lot 27 of Block 23 of Robbinsdale Addition No. 10, common to the southwesterly corner of Lot 1 of Block 23 of Robbinsdale Addition No. 10, and common to a point on the easterly edge of the dedicated right-of-way of Wisconsin Avenue, and the Point of Beginning, located at 4182 Wisconsin Avenue. Motion was made by Kroeger, seconded and carried that Ordinance No. 5466 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ054), a first reading of Ordinance 5467, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot A of the SE1/4 NW1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Copperfield Subdivision, east of Valley Drive and west of Elk Vale Road. Motion was made by Kroeger, seconded and carried that Ordinance No. 5467 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009.

The Mayor presented (No. 08RZ055), a first reading of Ordinance 5468, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from General Agriculture District to General Commercial District** on Lot 1 of Wally Byam Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of South Dakota Highway 44 and Elk Vale Road. Motion was made by Kroeger, seconded and carried that Ordinance No. 5468 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009. Hadcock asked if this is the rezoning for Bank West by Wally Byam. Elkins said she did not know the answer at this time, but she was later able to look up the information and confirmed the site was the property proposed for sale by the City.

The Mayor presented (No. 08RZ056), a first reading of Ordinance 5469, An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by the City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the unplatted portion of the N1/2 N1/2 N1/2 N1/2 N1/2 W1/2 SW1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sammis Trail and east of U.S. Highway 16. Motion was made by Kroeger, seconded and carried that Ordinance No. 5469 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, February 2, 2009. Hadcock asked if there is low density near this area. Elkins said this area was annexed and is being rezoned in accordance with the adopted comprehensive plan for this neighborhood. Hadcock wanted to make sure they are not approving General Commercial next to Low Density Residential, and Elkins confirmed this is part of a road. Mayor Hanks added that this is in an undeveloped area.

BILLS

The following bills having been audited, motion was made by Kroeger, seconded and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

Payroll Paid Ending 01-03-09, Paid 01-09-09	857,827.65
Payroll Paid Ending 01-03-09, Paid 01-09-09	3,044.00
Pioneer Bank & Trust, Taxes Paid 01-09-09	209,661.84
Pioneer Bank & Trust, Taxes Paid 01-09-09	215.67
Berkley Risk Administrators, December 2009 Claims	28,554.10
First Administrators, Claims through 01-05-09	100,747.54
First Administrators, Claims through 01-12-09	51,127.79
1 st National Bank in Sioux Falls, SRF Loan Payments	64,346.09
1 st National Bank in Sioux Falls, SRF Loan Payments	317,602.73
Black Hills Electric Cooperative, Electricity	490.39

CITY COUNCIL

JANUARY 20, 2009

Black Hills Power & Light, Electricity	16,994.17
Montana Dakota Utility Co., Natural Gas	16,707.40
West River Electric Assn. Inc., Electricity	17,980.69
Computer Bill List	<u>5,552,139.02</u>
Subtotal	\$7,237,439.08
Payroll Paid Ending 01-03-09, Paid 01-09-09	2,782.70
Pioneer Bank & Trust, Taxes Paid 01-09-09	212.87
City of Rapid City, Postage	3.79
City Health Insurance Trust	917.50
Dakota Business Center	51.87
Ikon Financial Services	10.60
Metropolitan Life Insurance Co.	<u>6.42</u>
Total	\$7,241,424.83

EXECUTIVE SESSION permitted by SDCL 1-25-2

Motion was made by LaCroix, seconded and carried to go into Executive Session at 9:29 P.M. for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 10:52 P.M. with all members present.

ADJOURN

As there was no further business to come before the Council at this time, the meeting adjourned at 10:54 P.M.

ATTEST:

CITY OF RAPID CITY

Finance Office

Mayor

(SEAL)