

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 6, 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 Monday, July 6, 2009 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, City Attorney Jason Green, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Community Resource Director Kevin Thom, Fire Chief Mark Rohlfing and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

The following items were added to the agenda:

- Set for Hearing July 20, 2009 The Lost Steer LLC DBA The Lost Steer, 5412 Hwy. 16, for a Retail (on-off sale) Malt Beverage License
- MDA Report on Fill the Boot, Alderman Hadcock
- Miss Wheelchair America, Alderman Martinson

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

APPROVE MINUTES

Motion was made by LaCroix, second by Costello and carried to approve the minutes for June 15, 2009 Regular Council Meeting and June 10 and 29, 2009 Special Council Meetings

AWARDS AND RECOGNITIONS OF COUNCIL MEMBERS

At this time, Ward Three Alderman Bill Okrepkie was recognized for his years of service.

RECESS - SWEAR IN NEW COUNCIL MEMBERS

At this time, the new Council members were sworn into office. Mayor Hanks then recessed the City Council meeting at 7:15 P.M.

RECONVENE

Mayor Hanks reconvened the City Council meeting at 7:30 P.M. and the following members were present: Sam Kooiker, Karen Gundersen Olson, Ron Kroeger, Aaron Costello, Deb Hadcock, Lloyd LaCroix, Patti Martinson, Ron Weifenbach, Bill Waugh and Malcom Chapman.

ELECTION OF OFFICERS

Mayor Hanks opened the floor for nominations for Council President. Alderman Weifenbach nominated Alderman LaCroix, and Alderman Chapman nominated Alderman Olson. Motion was made by Chapman, second by Weifenbach and carried to cease nominations.

The Mayor called for a vote, and upon a written ballot, the votes were as follows:

Lloyd LaCroix
 Sam Kooiker
 Ron Kroeger
 Aaron Costello
 Deb Hadcock
 Lloyd LaCroix
 Patti Martinson
 Ron Weifenbach

Karen Gundersen Olson
 Karen Gundersen Olson
 Bill Waugh
 Malcom Chapman

Mayor Hanks declared Alderman LaCroix Council President.

Mayor Hanks opened the floor for nominations for Council Vice President, and Alderman Hadcock nominated Alderman Chapman. As there were no other nominations, the Chair asked that nominations cease. Motion was made by Hadcock, second by LaCroix, to take a voice vote for unanimous approval. Upon vote being taken, motion carried.

Mayor Hanks declared Alderman Chapman Council Vice President.

GENERAL PUBLIC COMMENT

Dan Wolken, Prairie Fire Investments, spoke in reference to the sewer trunk line along Southside Drive. He apologized for not attending the June 1, 2009 Council meeting, but he wanted the Council to know their side and to consider the facts. He said that Prairie Fire is not without blame, but the City also made mistakes. He said the time taken by the City to make decisions on line size was beyond what was promised and was costly to them. He requested that Council reconsider the decision made on June 1st to deny their request. Responding to Kooiker, Mayor Hanks confirmed that he can add this topic to a committee agenda for discussion. Green indicated that they can discuss the item in Executive Session as this is a potential litigation matter.

NON-PUBLIC HEARING ITEMS -- Items 2 – 95

Motion was made by Costello, second by LaCroix and carried to open the public comment for Items 2 – 69. No comments were offered.

Motion was made by Weifenbach, second by Waugh and carried to close the public comment for Items 2 – 69.

CONSENT ITEMS – Items 2 – 62

The following items were removed from the Consent Items:

- 41. Acknowledge the report regarding trash pickup schedule.

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

Alcoholic Beverage License Applications Set for Hearing (July 20, 2009)

2. Rapid City CVB for a Special Event Beer and Wine License for an event scheduled August 23, 2009 at Memorial Park.
3. Humane Society of the Black Hills for a Special Event Beer and Wine License for an event scheduled August 22, 2009 at Canyon Lake Chophouse, 2720 Chapel Lane.
4. Cimarron Casino Inc. DBA Royal Casino II, 2530 W. Main Street Ste. 2 for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from Cimarron Casino Inc. DBA Eastside Plaza Casino, 1000 Cambell Street
5. MG Oil Company DBA Chances Casino, 1565 Haines Ave. Ste. B for a Retail (on-off sale) Malt Beverage License WITH Video Lottery TRANSFER from MG Oil Company DBA Clock Tower Lounge, 2525 W. Main Street
6. Benjamin and Maria Munoz DBA El Ranchito Mexican Restaurant, 1012 East North Street Ste. A for a Retail (on-off sale) Malt Beverage License NO Video Lottery
7. LaMore Restaurant Group Inc. DBA Denny's, 2206 N LaCrosse St. for a Retail (on-off sale) Malt Beverage License NO Video Lottery
8. LaMore Restaurant Group Inc. DBA Denny's, 2206 N LaCrosse St. for a Retail (on-off sale) Wine License

Public Works Committee Consent Items

9. Approve a Request by Rapid City Soccer to negotiate a contract with a consultant for Professional Services for preliminary design
10. Approve a Request by ATTA to negotiate a contract with a consultant for Professional Services for design.
11. Acknowledge the report from Ellis on the Consultant Selection Oversight Committee
12. Direct the City Attorney's Office to prepare the amendment to the Consultant Selection Policy to increase the dollar amount of a consultant fee when you can sole source the project with a particular engineering firm from \$10,000 up to \$25,000.
13. Acknowledge the Update on Sales Tax report from Mayor Alan Hanks.
14. No. PW063009-02 – Approve a Request to Authorize the Public Works Director to sign an Agreement between City of Rapid City and Hills Materials Company for East St. Patrick Manhole Adjustments, Project No. MIP09-1794 / CIP No. 50298, in the amount of \$12,205.00.
15. No. PW063009-03 – Approve a Request to Authorize the Public Works Director to sign a Professional Services Agreement with West Plains Engineering, Inc., for 5th Street Pedestrian Crossing, Project No. ST08-1764 / CIP No. 50750, in the amount of \$2,300.00.
16. No. PW063009-04 – Approve Change Order No. 3-Final for Block 75 Parking Structure, to J. Scull Construction, Project No. IDP08-1725, for an increase of \$28,349.44.
17. No. PW063009-05 – Approve Change Order No. 2-Final for East Nebraska Street Drainage Improvements, to Warax Excavating, Inc., Project No. DR07-1665 / CIP No. 50684, for a decrease of \$4,179.60.

18. No. PW063009-20 – Approve Change Order 3F for Alta Vista Drive Sanitary Sewer Extension, to Grizzly Excavation, Inc., Project No. SS08-1713 / CIP No. 50541, for a decrease of \$2,033.65.
19. No. PW063009-06 – Authorize Staff to Advertise for Bids for East Philadelphia Street 16” Water Transmission Main Extension, Project No. W09-1793 / CIP No. 50760. Estimated Cost of Project: \$100,000.00.
20. No. PW063009-07 – Authorize Staff to Advertise for Bids for Ice Sanding Material for winter use on City streets. Estimated cost: \$75,000.00.
21. No. PW063009-08 – Authorize Staff to Advertise for Bids for Elm Avenue Reconstruction – Phase 3, Project No. ST09-1759 / CIP No. 50130. Estimated Cost of Project: \$1,700,000.00.
22. No. PW063009-09 – Authorize Staff to Advertise for Bids for CSAC Front Steps/ADA Ramp Improvements, Project No. GB09-1808. Estimated Cost of Project: \$25,000.00.
23. No. PW063009-10 – Authorize Staff to Advertise for Bids for Maple Avenue and East Idaho Street Reconstruction, Phase I, Project I – Project No. ST09-1809 / CIP No. 50626. Estimated Cost of Project: \$740,000.00.
24. No. PW063009-11 – Authorize Staff to Advertise for Bids for E Saint Francis Street, E Saint Anne Street, Aspen Avenue, & E Meade Street Water Main Reconstruction Projects, Phase I, Project II – Project No. W09-1810 / CIP No. 50626. Estimated Cost of Project: \$700,000.00.
25. No. PW063009-12 – Authorize Staff to Advertise for Bids for Milo Barber Transportation Center Improvements, Project No. GB08-1765 / CIP No. 50746. Estimated Cost of Project: \$1,620,000.00.
26. No. PW063009-14 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Ferber Engineering Company, Inc. for the Mall Drive Utility Reconstruction Project – Haines Avenue to La Crosse Street, Project No. ST08-1753 / CIP No. 50646, in the amount of \$27,555.00.
27. No. PW063009-15 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Highway Improvement Inc. for Crack Sealing, Project No. ST09-1807 / 50549, in the amount of \$36,000.00.
28. Approve No. PW063009-16, No. PW063009-17, and No. PW063009-18. No. PW063009-16 – Authorize Mayor and Finance Officer to Sign an Amendment to the Agreement between City of Rapid City and Trapeze Software Group, Inc. to replace original DCC-Pro I hardware units with DCC-Pro II hardware units and increase the licensed use of the Trapeze PASS-MON Software product and Computer System Software product under the scope of the agreement, in the amount of \$49,528.00. No. PW063009-17 – Authorize Mayor and Finance Officer to Sign a Contract between the City of Rapid City and Harlow Bus Sales, for a new 2009 ADA Accessible Raised Floor Transit Vehicle, in the amount of \$85,874.00. No. PW063009-18 – Authorize Mayor and Finance Officer to Sign an Agreement between the City of Rapid City and Harlow Bus Sales for a new 2009 ADA Accessible Raised Floor Transit Vehicle, in the amount of \$108,374.00.
29. No. 08VE027 - Park Meadows Subdivision – Approve a request by Sperlich Consulting, Inc. for Neil Foust of Foust Construction, Inc. to consider an application for a **Vacation of Utility and Minor Drainage Easement** on Lot 14 of Block 5 of Park Meadows Subdivision, located in the

SE1/4 NE1/4, Section, 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2423 Smith Avenue.

RESOLUTION #2009-084
RESOLUTION OF VACATION OF A MINOR DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that the utility and minor drainage easement on Lot 14 of Block 5 of Park Meadows Subdivision, located in the SE1/4 NE1/4, Section, 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2423 Smith Avenue, is no longer needed; and

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

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

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 30. No. 09TP018 – Acknowledge the report on Rapid City Area Metropolitan Planning Organization 2008 Traffic Volume Counts Report.
- 31. No. PW063009-19 – Approve a Request by West River Electric Cooperative to authorize granting utility easements on a portion of the S1/2SE1/4NW1/4 and the SW1/4SW1/4NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and to authorize the Mayor and Finance Officer to sign the easement documents.

Legal & Finance Committee Consent Items

- 32. No. LF070109-01 – Confirm appointment of Richard Huffman to the Rushmore Plaza Civic Center Board of Directors.
- 33. No. LF070109-04 – Confirm appointment of Malcom Chapman and Bill Waugh (City Council Representatives) and Tom Hennies (Planning Commission Representative) to the Annexation Subcommittee.
- 34. Acknowledge the report regarding licensing for payday lenders.
- 35. Acknowledge the report regarding the application submitted requesting designation of Rapid City as the best tennis town in America.
- 36. No. LF070109-32 – Acknowledge report regarding status of the Sunshine Mobile Home Park.

37. No. LF070109-05 – Acknowledge Capital Improvements Program Committee monthly update for June 2009.
38. No. LF070109-06 – Approve the Capital Plan for Streets, Drainage, MIP Projects for June 2009 striking the Morningview Drive Reconstruction Project.
39. No. LF070109-07 – Approve the following 2009 Sports Facility Partnership Fund Grant Awards from the Capital Improvement Program: 1) ASA Softball, Parkview Softball Complex (shade structure) - \$5,194.13; 2) ASA Softball, Parkview Softball Complex (retaining wall) - \$5,500.00; and 3) Church Softball League, Whitehead Fields (outfield fence replacement) - \$3,251.25.
40. No. LF070109-08 – Recommend that the reallocation of CIP funds committed to audio visual upgrades for all pending IT projects except consultant services be referred back to the CIP committee for further discussion.
42. No. LF070109-09 – Approve Event Permit for Great Black Hills Duck Race to be held on July 26, 2009.
43. No. LF061009-19 – Deny Event Permit for Ugliers, Inc., d/b/a Sports Rock for street dances to be held on July 25 and August 29, 2009.
44. LF070109-10 – Deny Event Permit for Ugliers Inc., d/b/a Sports Rock to hold street dance on September 26, 2009.
45. No. LF070109-11 – Approve Event Permit for Ugliers Inc., d/b/a Sports Rock for motorcycle parking from June 17, 2009, through September 2, 2009 (Wednesdays Only).
46. No. LF070109-12 – Deny Event Permit for motorcycle parking (2 or 3 spaces) in front of the Oasis at 711 Main Street August 3 through August 9, 2009.
47. No. LF070109-14 – Approve Event Permit for A.S.A.P. Inc. (Red Ribbon Parade) to hold a parade on October 17, 2009.
48. No. LF070109-15 – Approve Event Permit for Central States Fair Parade to be held on August 22, 2009.
49. No. LF070109-16 – Approve Event Permit for Labor Day Parade to be held on September 7, 2009.
50. No. LF070109-33 – Approve Event Permit for Rushmore Little League to close Herman Street between East Chicago Street and East New York Street from 4:00 p.m. to 10:00 p.m. on July 6-11, 2009.
51. Approve ambulance rate increase of 3.3% in accordance with the regional medical CPI figures.
52. No. LF070109-21 – Authorize Mayor and Finance Officer to sign the Allocation Award between the State Historical Preservation Office, Office of History and Rapid City Historic Preservation Commission Certified Local Government Grant for 2009-2010 Project Number SD-09-015 in the amount of \$10,500.
53. CC070609-05 - Authorize staff to distribute an RFP for an underwriter to sell water improvement revenue bonds (approximately \$37,000,000 in construction funds).

- 54. Approve Steve Allender, Deborah Cady, Deanna Johnson, Ed Hofkamp & Tom Vlieger as authorized signatures on the Police Investigative Fund Checking Account.
- 55. No. LF070109-22 – Approve Resolution Declaring Property Surplus.

RESOLUTION #2009-076
RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Water Reclamation:
1984 John Deere Backhoe, S/N: T0510BA706120, Inv. # 004882.

Sign Shop:
Lanier 6717 copier, Inv. #017796
Canon 900 Laser color copier, Inv. #020541

Parks:
Cushman S/N: 989417-7710, scraped for parts

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

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 56. No. LF070109-23 – Approve the 2008 Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant Program (CDBG).
- 57. No. LF070109-24 – Approve Travel Request for Barbara Garcia and Lloyd LaCroix to attend the National Summit on your City’s Families in Boston, MA, October 10-14, 2009 in the approximate amount of \$5,015.
- 58. No. LF070109-25 – Approve Travel Request for Jim Ackland to attend Cityworks Software Training Session in Frisco, TX, August 17-21, 2009, in the approximate amount of \$2,935.
- 59. No. LF070109-30 – Authorize Mayor and Finance Officer to sign Addendum to Leathers & Associate Contract for Vickie Powers Park Playground Construction in an amount not to exceed \$5,000.
- 60. No. LF070109-27 – Approve Resolution No. 2009-081 Adding Two Businesses to the Business Improvement District No. 1.

RESOLUTION # 2009-081
ADDING TWO BUSINESSES TO THE BUSINESS IMPROVEMENT DISTRICT NO. 1

WHEREAS, the City of Rapid City has adopted Ordinance No. 5126 establishing a Business Improvement District; and

WHEREAS, the boundaries of the district are set forth in said Ordinance; and

WHEREAS, the boundaries of the Business Improvement District are not contiguous; and

WHEREAS, SDCL 9-55-4 permits property to be added to any Business Improvement District that includes non-contiguous property by resolution; and

WHEREAS, two additional property owners have requested to be included within the Business Improvement District and the Business Improvement District Board recommends their inclusion.

NOW, THEREFORE, BE IT RESOLVED by City of Rapid City that upon the recommendation of the Business Improvement District Board of Directors, the following property is hereby included within Business Improvement District No. 1:

PROPERTY	RMS	ADDRESS	CITY	ST	ZIP
Sleep Inn	80	4031 Cheyenne Blvd.	Rapid City	SD	57703
Comfort Suites	92	1330 N. Elk Vale Road	Rapid City	SD	57703

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

61. No. LF070109-29 – Approve abatements for Walgar Development for 2007 for \$793.22, 2008 for \$9,522.96, 2007 for \$50.26 and 2008 for \$603.38.

62. Acknowledge the report from Mayor Hanks regarding an update on sales tax.

END OF CONSENT CALENDAR

Motion was made by Kooiker, second by Chapman, to acknowledge the report regarding the trash pick up schedule. Chapman asked that the Public Works Director give the report that was given at committee. Ellis explained the trash pick up schedule due to holidays and said that they put out a public notice and post information on the website. He said they are looking at putting something on public access television in the future. Responding to Chapman, Ellis said they have talked about messages on water bills, but it is difficult to time it right as bills come out at different times of the month. Motion carried.

CONTINUED CONSENT ITEMS – Items 63 - 69

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

Continue the following items until July 20, 2009:

63. 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.
64. No. 09PL018 - A request by Centerline, Inc. for Hidden Valley, Inc. for a **Preliminary Plat** on Tracts 1 thru 3, Lots 1A thru 12B and Lot Z of Block 1, Lots 1A thru 11B of Block 2 of Skylines Village Subdivision, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 495 feet of the NE1/4 SE1/4 less Lot 1, the SE1/4 SE1/4 all in Section 22, T1N, R7E, BHM, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2000 Golden Eagle Drive.
65. No. 09PL024 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Preliminary Plat** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located south of Miracle Lane between Carlin Street and Crane Drive.

Continue the following items until August 3, 2009:

66. No. 08PL099 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 28 of Block 3; Tracts A, B, C and D of Block 4 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.
67. No. 08PL131 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Preliminary Plat** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence

N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.

68. No. 09PL023 - A request by Davis Engineering, Inc. for a **Layout and Preliminary Plat** on Lots 3R, 4, 5, 6 and 7 of Block 7, Lots 3, 4, 5 and 6 of Block 8 of Murphy Ranch Estates Subdivision, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract F of the NE1/4 of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Springfield Road and Knuckleduster.

Continue the following items until October 5, 2009:

69. No. 07PL134 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 70 – 95

Motion was made by Weifenbach, second by Chapman and carried to open the public comment for Items 70 – 95.

Peter Schmid, owner of the property at 1819 West Boulevard, indicated that he met with historic preservation members and Council members. He said he and his wife explained why they did what they did with their windows and what their options were, which he said he also sent to Council members by email. Schmid explained that the old windows were causing damage to the inside and outside of the house and repairing them was not an option. David Viall said the commission would like to see the original windows repaired as the first option and noted they would ultimately like to see a wood exterior, the original window size, and authentic or simulated divided light. He indicated that this type of window is available from at least three difference companies. John Wagner pointed out that the issue is whether or not there are feasible alternatives. In his opinion, there are alternatives, so he requested that the Council follow the state law. He said the request should be denied as the alternatives would minimize harm to the historic district. Micah Schmid reminded council they are there to determine if all alternatives were explored. She said they did not get information from historic commission or hear any objections after their meeting. She also said they considered all options but none of them were feasible. She asked that they agree with the City staff recommendation that all options were considered.

Don Valle reported that he delivered insurance certificates to the City Attorney for the Cowboy Fast Draw event, and he said that they also visited with the range officer at the Police Department. He presented the Council members with letters of reference. Jim Bob Endres stated his support for the Cowboy Fast Draw, and he invited the Council to participate.

Bruce Backens requested a location for a memorial statue so that they can start fundraising. Ann Van Loan, Western Resources for Disabled Independence, stated her support for having a memorial for people with disabilities. She also spoke about Scotty Backens and indicated that Memorial Park would be a good place for the statue. Dallas Dietrich knew Scotty Backens and said that the statue would be a memorial to the disabled community. Tom Collings said he chairs the Mayor's committee for people with

disabilities. He said the committee's goal is to enforce the Americans with Disabilities Act, and they support the memorial on behalf of the ADA.

Jim Stenje objected to the newly proposed concrete fence for the substation in the South Boulevard Addition. He pointed out that heat will be an issue in the summer, and it will also act as a snow fence in the winter. He recommended looking at the fence around Dakota Supply Group with brick and wrought iron. George Brown said he is against the entire project and said a concrete fence will cut off his view of Skyline Drive and 5th Street. Aida Compton is opposed to the fence around the substation and reminded the Council that the homes were there first. She said homeowners did not anticipate a substation expansion when they moved to the neighborhood, and she said the new substation will give the neighborhood an industrial look. Ed Thompson said an 8 foot fence will impede visibility and said he thinks traffic accidents will increase. He does not agree with the proposed expansion. Corey Singaas said he was not satisfied with the information provided by Black Hills Power as there were no guarantees that they will protect their property values, noise levels and the aesthetics of the neighborhood. He suggested that the substation is put in a non-residential area. Steven Dunn from Black Hills Power said they explored different options and submitted concrete walls as possible alternatives as they are open to something aside from chain link and barbed wire. They are doing what they can to address concerns, and they want to continue with the process. Kevin Lewis said he is for the fence height exception. He said a good, strong fence is necessary as many cars slide down the hill and end up on the property, and it is also important to keep people out of the substation. He also pointed out that he has spruce trees on his property that do not impede visibility. Terri Charest said a concrete fence would not fit a residential area. She said traffic is a concern as well as safety issues related to a substation.

A representative from the Fire Department reported on a successful Fill the Boot campaign and said they raised \$35,714 for the Muscular Dystrophy Association. He said this total falls short of funds raised last year, but he pointed out that the total is impressive because of the current economic situation and the fact that they were off the street in private lots. He said there was 100% department participation, and he thanked the Council and community for their support.

Motion was made by Costello, second by Olson and carried to close the public comment for Items 70 – 95.

Ordinances

Ordinance 5519 (No. 09OA004) An Ordinance Revising the Off Street Parking Requirements by Amending Section 17.50.270 of the Rapid City Municipal Code. Motion was made by Kooiker, second by LaCroix and carried that Ordinance 5519 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 20, 2009

Ordinance 5521 (No. LF070109-18) An Ordinance to Create a Sidewalk Vendor Permit by Amending Subsection 12.20.020 of the Rapid City Municipal Code. Motion was made by Kooiker, second by LaCroix and carried that Ordinance 5521 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 20, 2009. Chapman pointed out that they received proposed changes to the Ordinance by a potential vendor, and he advised Council to look at changes prior to second reading.

Ordinance 5522 (No. LF070109-19) An Ordinance to Create a Sidewalk Vendor License by Adding Chapter 5.56 to the Rapid City Municipal Code. Motion was made Kooiker, second by LaCroix, and carried that Ordinance 5522 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 20, 2009.

Ordinance 5520 (No. LF070109-26) An Ordinance to Require a Majority Vote for Election to the Offices of Mayor and Alderman by Adding Section 1.16.030 to Chapter 1.16 of the Rapid City Municipal Code.

Motion was made Kooiker, second by LaCroix, and carried that Ordinance 5520 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 20, 2009.

Ordinance 5523 (No. 09RZ027) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within described property as requested by Rising Properties, LLC for a Rezoning from Medium Density Residential District to General Commercial District of Lots 15 and 16 of Block 10 of Flormann Addition, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 727 Fairview Street. Motion was made by Kroeger, second by LaCroix and carried that Ordinance 5523 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, July 20, 2009. Responding to Kooiker, Elkins explained that the property is east of the Medicine Shoppe, and the intended use is for a parking lot to serve the Medicine Shoppe. They have filed the planned development designation, so if a rezoning comes forward, a stipulation of approval will be approved in conjunction with the rezone. Elkins also said she believes there will be some input from the neighborhood at the upcoming Planning Commission meeting, and any comments will be attached online.

Ordinance 5517 (No. 09OA002) An Ordinance Revising Permitted and Conditional Uses and Area Regulations within the Airport Zoning District by Amending Section 17.58 of the Rapid City Municipal Code having passed its first reading on June 15, 2009; motion was made by Kooiker and second by Olson that the title be read the second time. Responding to Kooiker, Elkins confirmed that individual residences have not been permitted at the airport, but they are adding language to make a crew quarters necessary for airport and emergency operations. Upon vote being taken, the following voted AYE: Kooiker, Olson, Kroeger, Costello, Hadcock, LaCroix, Martinson, Waugh, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5517 was declared duly passed upon its second reading.

Ordinance 5516 (No. LF061009-07) An Ordinance Regarding Supplemental Appropriation No. 4 for 2009 having passed its first reading on June 15, 2009; motion was made by Kooiker and second by LaCroix that the title be read the second time. Upon vote being taken, the following voted AYE: Kooiker, Olson, Kroeger, Costello, Hadcock, LaCroix, Martinson, Waugh, Weifenbach and Chapman; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5516 was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Kroeger, second by Olson and carried to approve (No. 08PL143) A request by Sperlich Consulting, Inc. for Joe Muth at Doeck, LLC for a **Preliminary Plat** 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 with the following stipulations: 1. Prior to City Council approval of the Preliminary Plat application, a drainage and grading plan, must be submitted for review and approval. In addition, the plat document must be revised to provide drainage easements as necessary; 2. Prior to City Council approval of the Preliminary Plat application, a sewer plan prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains, manholes and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations must be obtained; 3. Prior to City Council approval of the Preliminary Plat application, water system plans prepared by a Registered Professional engineer verifying the source and demonstrating that sufficient quantities for domestic and fire flows shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to City Council approval of the Preliminary Plat application, construction plans for the water main along the east lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 5. Prior to City Council approval of a Preliminary Plat application, a cost

estimate for the subdivision improvements shall be submitted for review and approval; 6. Prior to City Council approval of the Preliminary Plat application, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 7. Prior to submittal of a Final Plat application, the proposed H-Lot shall be accepted by City Council; 8. Upon submittal of the Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and subdivision inspection fees be paid as required; 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 10. The approved Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council.

Motion was made by Kroeger, second by LaCroix and carried to approve (No. 09PL025) A request by Fisk Land Surveying & Consulting Engineers for Sandra Fredrickson for a **Layout and Preliminary Plat** on Lots 1 and 2 of Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4330 Jackson Boulevard with the following stipulations: 1. Prior to Preliminary Plat approval by the Planning Commission, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Growth Management Department; 2. Prior to Preliminary Plat approval by the City Council, a drainage plan shall be submitted for review and approval if any subdivision improvements are required; 3. Prior to Preliminary Plat approval by the City Council, a grading plan shall be submitted for review and approval if any subdivision improvements are required; 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Permit in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval; 5. Prior to Preliminary Plat approval by the City Council, construction plans for Red Cliff Terrace shall be submitted for review and approval showing the easement constructed with a minimum 20 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 6. Prior to Preliminary Plat approval by the City Council, an Exception shall be obtained to allow service lines to cross another lot or construction plans shall be submitted for review and approval showing the service lines in compliance with the City's Utility Design Standards; 7. Prior to submittal of a Final Plat application, the shed located on proposed Lot G2 shall be removed or surety posted to insure that the shed is removed and/or to allow a single family residence to be constructed on the property; 8. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; 9. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required; and, 10. The approved Layout and Preliminary Plat for which no grading, construction or other improvements have been initiated within two years of the date of approval of the plat shall be deemed as expired. However, the owner or applicant of the plat may, prior to the termination of the two year period, request a one year extension subject to approval by the City Council; and 11. That prior to submittal of a Final Plat application, the plat document shall be revised to show a non-access easement along Red Cliff Terrace.

Motion was made by Kroeger, second by Waugh, to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of sidewalk along Corral Drive as they abut Lot 15R of NW1/4NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, SD, located at 3761 Corral Drive. (09EX066) Responding to Weifenbach, Elkins explained that Public Works will be working on the assessment side and Growth Management will work on the grant side. Olson indicated that sidewalks need to be seriously discussed as children may walk along this street. Motion carried.

Legal & Finance Committee Items

Motion was made by Kroeger and seconded to find that all feasible and prudent alternatives to the installation of four windows and changes in window openings at 1819 West Boulevard have been pursued and that all possible planning to minimize harm to historic property has taken place. Responding to questions from Weifenbach, Jean Kessloff indicated that she contacted Mr. Schmid, but he said he 'would take it from here.' Weifenbach pointed out that people live in that district because it is kept historical. He asked why the Council should override the historic district's decision. Karen Bulman explained that the staff recommendation should have said that City Council needs to make determination if all feasible solutions have been explored. Chapman said that he asked both sides to make a list of options and explain why they were or were not prudent or feasible. He suggested that the item is continued so that both sides can sit down and have a conversation. Chapman also recommended an ordinance relating to historic preservation and mentioned that title companies, realtors, etc. need to make sure homeowners are aware of what they are getting into before they purchase a home. Bulman stated that three windows have been replaced and one has not. LaCroix indicated that he will be in support of the motion, because the homeowners got the windows for the addition approved and at that point more discussion could have taken place. He said the issue needs to be resolved today. Responding to a question from Hadcock, Chapman said that after the meeting the Schmid's were going to submit something listing all alternatives that they looked at. Hadcock stated that there were other alternatives. Responding to Martinson, Green indicated that if the Council finds that all feasible alternatives were not pursued the Historic Preservation Commission would need to look to the City Attorney's office for enforcement action. More practically, it allows the Schmid's to come forward with another proposal. Olson compared the issue to homeowner's association covenants. She indicated that her perception is that the people in that neighborhood voted to follow certain rules, so she feels the Council is being asked to apply the rules. She said that she did not receive information from the Schmid's regarding the alternatives that they looked at, so she is not in favor of the motion on the floor. Costello stated that, from what he knows, homeowners are aware of covenants, but they are not always aware of rules in a historic district. Responding to Costello, Bulman explained that the windows were not approved for the original structure. Schmid indicated that he had back and forth email contact with Historic Preservation. He also said he made some calls regarding the windows suggested by Historic Preservation, but they have not seen the options that the Council received from Historic Preservation tonight. Responding to Costello, David Viall stated that the commission's research was done June 23, 2009. It was not delivered to Mr. Schmid, but Mr. Viall indicated that he was not able to have anyone proof the information until yesterday. Viall said some options were discussed with Schmid, but Schmid wanted to keep what he had. Costello said that the commission needs to be leaders and guide people going beyond a phone call or email. He does not see due diligence from either side in a timely manner. Hadcock said this is state statute, which is different than a homeowner's association, and she pointed out that you can find alternatives if you look. Responding to Weifenbach, Green said there is a local commission created by City ordinance and the process that the commission undertakes is laid out by state law through a MOU with the state. The local commission acts on behalf of the State in the first instance in reviewing applications, and they forward their opinion. The State returns the application, and there is an appeal process to Council, which is where we are at with this process. Weifenbach pointed out that the addition was approved since it looked different from the historic property. Chapman said the problem is that they are choosing sides. He thought he asked that we talk about what is best for the historic district and how best to make it vibrant, alive, in compliance, etc. He believes they need to get together to discuss the alternatives.

Substitute motion was made by Chapman, second by Weifenbach, to continue to the July 20, 2009 City Council meeting. Upon roll call vote, the following voted AYE: Olson, Weifenbach, Waugh and Chapman; NO: Kooiker, Kroeger, Costello, Hadcock, LaCroix, and Martinson. Motion failed.

Upon roll call vote on the original motion, the following voted AYE: Kroeger, LaCroix and Kooiker; NO: Olson, Costello, Hadcock, Martinson, Weifenbach, Waugh and Chapman. Motion failed.

Motion was made by Hadcock, second by Olson, to find that all feasible and prudent alternatives have not been exhausted and that all planning has not been made to minimize impact to the historic property. Responding to Chapman, Green explained that this motion will leave the Schmids in a position of having to bring something else forward to the Historic Preservation Commission. Green also explained that if they cannot come up with another option he would expect the Historic Preservation Commission to take enforcement action of some nature. It was indicated that this motion would not immediately require the Schmids to remove the windows, but it could eventually. Elkins noted that the Schmids have an outstanding violation of the building code. Responding to Hadcock, Elkins indicated that since the homeowners have completed work without a permit she is obligated to pursue the issue. Upon roll call vote, the following voted AYE: Costello, Hadcock, Martinson, Weifenbach, Waugh, Chapman and Olson; NO: Kroeger, LaCroix and Kooiker. Motion carried.

Motion was made by Kooiker, second by Olson, to approve (No. LF070109-34) a request from Cowboy Fast Draw Association to hold Fast Draw Contest at Cabela's on July 18-19, 2009. Green said he received an acceptable Certificate of Insurance but recommended Council condition the approval upon final inspection of the site and procedures to be used by the Rapid City Police Department. Mayor confirmed this stipulation was acceptable to the motion maker, Kooiker and Olson. Motion for approval with stipulations carried.

Motion was made by Kooiker, second by LaCroix, and carried to approve (No. LF070109-02) Appointment of Wade Morris and Elizabeth Runquist to the Rapid City Parks & Recreation Advisory Board.

Motion was made by Kooiker, second by Olson, and carried to (No. LF070109-03) Confirm reappointment of Gary Brown and Dennis Landguth and Appointment of Erik Braun to the Planning Commission.

Olson indicated that the (No. LF070109-13) Event Permit for Hotel Alex Johnson for five (5) parking spots in front of the Alex Johnson Mercantile on St. Joseph Street on Thursday evenings from 5:00 p.m. to 9:00 p.m. during the 'Summer Nights' Festivals in downtown Rapid City through September was no longer necessary as there are barriers set up now. Motion was made by Olson, second by Hadcock and carried to table the request.

Kooiker read in item No. LF070109-20 to authorize staff to draft an ordinance amendment to the 2006 International Residential Code to remove the requirement to field treat cut, notched and bored ends of treated wood and to change the design requirements allowing walls more than 10 feet in height and up to 12 feet in height to be constructed using a prescriptive design and to have a third party engineer review the stud height design proposal. Motion was made by Kooiker, seconded and carried to divide the question into height and treatment requirements.

Motion was made by LaCroix, second by Hadcock, to deny authorizing staff to draft an ordinance amendment to the 2006 International Residential Code to remove the requirement to field treat cut, notched and bored ends of treated wood. Olson asked for clarification from a professional that field treating is not necessary. LaCroix explained that the product to do the field treatment is readily available, and he is not in support of bypassing a safety option for homeowners. Elkins said the residential contractor board recommended approval as they found it appropriate, and she also clarified that the current code requires treating the ends of the wood. Motion carried.

Motion was made by Kooiker, second by Waugh, to authorize staff to draft an ordinance amendment to the 2006 International Residential Code to change the design requirements allowing walls more than 10 feet in height and up to 12 feet in height to be constructed using a prescriptive design and to have a third party engineer review the stud height design proposal. Responding to Hadcock, Elkins explained that beyond 10 feet they need a stamped drawing by a structural engineer, and the committee is now

suggesting a standard drawing. Hadcock asked Elkins' opinion, and Elkins said she will rely on the City's third party engineer's opinion, which is the next step. Upon roll call vote, the following voted AYE: Costello, LaCroix, Martinson, Waugh and Kooiker; NO: Weifenbach, Chapman, Olson and Kroeger. Motion carried.

Public Works Committee Items

Motion was made by Kroeger, second by Olson and carried to acknowledge the report on the Scotty Backens Memorial Statue and recognize that the applicant will forward this to the Parks and Recreation Advisory Board, to Planning Commission for the SDCL 11-6-19 Review, and then to the City Council with an agreement to accept the structure.

Motion was made by Kroeger to approve (No. 09FV003) A request by Steven Dunn for Black Hills Power to consider an application for a **Fence Height Exception to allow an eight foot high fence with barbed wired in the Low Density Residential District** on Lots 23 and 24, Lots 25 and 26 with a ten foot wide portion of the adjacent alley of the South Boulevard Addition, located in the NW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east side of Fifth Street between Cleveland and Oakland Street with stipulations. Kroeger said it would be his understanding that the residents could work with Black Hills Power for a feasible fence that works for everyone. Elkins explained that the request should be denied if the Council does not want to approve the current proposed fence. Kroeger requested to withdraw his motion, and there were no objections.

Motion was made by Weifenbach, second by Waugh, to refer the item to the July 14, 2009 Public Works Committee to review fence plans and to continue the public hearing to the July 20, 2009 City Council meeting. Chapman said he hopes it is understood that there is willingness by Black Hills Power to work with the neighborhood, and he confirmed with Dunn that a week is enough time for them. Motion carried.

Motion was made by Kroeger, second by Waugh, to approve (No. 09EX066) A Request to Waive the Requirement to Install Sidewalk per City Ordinance 12.16.080 at 3671 Corral Drive. Costello said they need sidewalks in the area. He said with the WOPR in place they can start a dialogue with residents on how they can help make this happen. Olson said this is increasingly not a country street, and there are many children in the area. She said every effort should be explored in terms of additional funding sources to make this sidewalk a possibility. Kooiker said people will protest anyway. He indicated that Council needs to look at other sidewalk issues and said we need to start somewhere. He said we should not pass this WOPR and continue or deny this item instead to force the sidewalk in. Motion carried with a NO from LaCroix and Kooiker.

Motion was made by Kooiker, second by Olson and carried to set for hearing on July 20, 2009 The Lost Steer LLC DBA The Lost Steer, 5412 Hwy. 16, for a Retail (on-off sale) Malt Beverage License.

Bids

The following companies submitted bids for No. CC070609-2.1 - Street Rehabilitation Project – Copperfield Drive Area Project No. ST09-1798 / CIP No. 50549 opened on June 30, 2009: Simon Contractors of SD Inc., J&J Asphalt Company and Hills Materials Company. Staff reviewed the bids and recommends bid award to Simon Contractors of SD Inc. Motion was made by Waugh, second by Olson and carried to approve the bid award to the lowest responsible bidder meeting specifications, Simon Contractors of SD Inc., for a total contract amount of \$176,797.00.

The following companies submitted bids for No. CC070609-2.2 – 2009 Pavement Marking Project No. PM09-1779 / CIP No. 50593 opened on June 30, 2009: Dakota Traffic Services LLC and Highmark Traffic Services Inc. Staff reviewed the bids and recommends rejecting all bids. Motion was made by

Olson, second by Costello and carried to reject all bids and authorize staff to re-advertise for bids for the 2009 Pavement Marking Project. Ellis said he cannot explain why the bids were high. He said they will look at a different product for future bid and also confirmed that another business that usually bids is currently out of business. Ellis said they try to avoid the wet, rainy season, so it is best to do the pavement marking when it is hot and dry. Motion carried.

The following companies submitted bids for No. CC070609-2.3 – Street Rehabilitation Project Mahoney, Dakota Ridge, W. Omaha & Hall Street Areas Project No. ST09-1799 / CIP No. 50549 opened on June 30, 2009: Simon Contractors of SD Inc and Hills Materials Company. Staff reviewed the bids and recommends bid award to Hills Materials Company. Motion was made by Olson, second by Hadcock and carried to approve the bid award to the lowest responsible bidder meeting specifications, Hills Materials Company, for a total contract amount of \$249,849.00.

The following companies submitted bids for No. CC070609-2.4 – Sanitary Sewer Extension East Boulevard Block 110 Original Townsite (Kansas City Street to Quincy Street) Project No. SS08-1752 / CIP No. 50742 opened on June 30, 2009: Grizzly Excavation Inc, Simon Contractors of SD Inc, Highmark Inc., Quinn Construction, Hills Materials Company, and Mainline Contracting Inc. Staff reviewed the bids and recommends bid award to Simon Contractors of SD Inc. Motion was made by Chapman, seconded and carried to approve the bid award to the lowest responsible bidder meeting specifications, Simon Contractors of SD Inc, for a total contract amount of \$55,529.50.

The following companies submitted bids for No. CC070609-2.5 – Tower Road Water Main Project Project No. W09-1786 / CIP No. 50753 opened June 30, 2009: Grizzly Excavation Inc, Simon Contractors of SD Inc, Rapid Construction Co., Highmark Inc., Quinn Construction, Hills Materials Company, and Mainline Contracting Inc. Staff reviewed the bids and recommends bid award to Highmark Inc. Motion was made by Hadcock, second by LaCroix and carried to approve the bid award to the lowest responsible bidder meeting specifications, Highmark Inc, for a total contract amount of \$217,358.75.

Council Items & Liaison Reports

Motion was made by Chapman and seconded to acknowledge the MDA Fill the Boot report. Hadcock asked about the resolution for Fill the Boot, and it was indicated that the resolution supporting the program has been approved and delivered. Hadcock suggested changing the resolution to make it better, and she also thanked the firemen for their work on this. She also expressed appreciation for the public support. Weifenbach also thanked the Fire Department for their hard work. Mayor Hanks expressed his appreciation and mentioned that the Rapid City Fire Department collects more than the rest of the state combined. Motion carried.

Alderman Martinson reported that the Miss Wheelchair America pageant will be hosted in Rapid City. She said they are looking for additional volunteers or contributions, and the Mayor's committee on disabilities was able to contribute \$500 to fundraising efforts. Hadcock thanked Patti for helping the Mayor's committee with disabilities. Motion was made by Olson, seconded and carried to acknowledge the report.

Weifenbach addressed (No. CC070609-03) the update on current revenue streams from finance sales tax and property tax and direction on 2009 and 2010 budget. He acknowledged the Mayor's presentation at Public Works regarding revenue and sales tax and then asked if time frames had been determined for the budget hearings. Mayor Hanks said he will look at options and contact Council to find out preferences. Kooiker suggested having a number of evening meetings to break it up into several sessions. He also said he wants better understanding of how we determine numbers within current year and to determine how we come up with assumptions for sales tax in future years. He pointed out that the assumption for sales tax and the general fund was usually an increase of 3% over previous years, and historically, it has come in higher than that. He said it was adjusted to 4% for 2009 and pointed out that

1% is equal to about \$200,000. He also indicated his concerns with how we report within the current year, which he said may have to do with reporting on a cash basis versus an accrual basis. Kooiker then referred to a State website page that has a municipal tax due per city comparison. He said the reports indicate that on a cash basis we appear to be about 1.3% down. He expressed that he would also like to understand either tonight or at a future meeting where the 1.25% number that we heard in previous meetings came from in comparison to the state's -1.3% number. LaCroix said they will be working on budget meeting times tomorrow, so he requested that Council members email Kay with dates that do not work. Motion was made by Hadcock, second by Costello and carried to acknowledge the report.

Staff Items

Ellis addressed the (No. CC070609-04) Vision 2012 Update and noted two changes, which were to the Downtown Parking Ramp and Parkview Tennis Courts. Motion was made by Weifenbach and seconded to acknowledge the report. Weifenbach asked how the fluctuation of the sales tax revenue affects the 2012 budget. He further clarified that he wanted to know what happens if we have a decrease in sales tax revenue from what we bonded for 2012. Preston indicated he would look into the issue, and Mayor Hanks stated that it is almost a mere reflection of the effect that is has on the first penny which is the general fund. He said it is the second half of the second penny, which is the same dollar amount, so if you are down 1% or up 1% in your general sales tax, it reflects directly upon 2012. Mayor also indicated that usually there is a built in reserve. Kooiker suggested getting more information at a 2012 committee meeting, and he expressed concern that we are not going to be able meet our bond in project obligations. He said we need to have a discussion on the issue soon. Mayor Hanks said that we should get the facts on the table first. Hadcock agreed and said until we have numbers we should wait. Motion carried.

PUBLIC HEARING ITEMS – Items 96 – 113

Motion was made by Hadcock, second Chapman, to open the public comment for Items 96 – 113.

Janelle Fink, Fisk Land Surveying, requested support for Item 112 and said she is available for questions.

Open Public Hearing (comment) – Items 96 – 113

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 96 – 101

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

Continue the following items until July 20, 2009:

96. 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.
97. No. 09CA009 - A request by Dream Design International, Inc. for a **Amendment to the Adopted Comprehensive Plan to change the land use designation from Residential to Office Commercial with a Planned Commercial Development** on Lots 31 and 32 of Block 18 of South

Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 336 Meade Street.

98. No. 09RZ026 - A request by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 31 and 32 of Block 18 of South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 336 Meade Street.
99. No. 09SV012 - A request by D.C. Scott Co. Land Surveyors for William M. Jobgen for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way and install curb, gutter, sidewalk, street light conduit, sewer, water and additional pavement as per Chapter 16 of the Rapid City Municipal Code** on Lots 1 and 2 of Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 7 of Pleasant View Subdivision, located in the SE1/4 SE1/4 and in Lot B of the SW1/4 SW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located south of Miracle Lane between Carlin Street and Crane Drive.

Continue the following items until August 3, 2009:

100. No. 08SV047 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of East Anamosa Street a distance of 285.56 feet to the intersection of the South Right-of-Way of East Anamosa Street and the West Right-of-Way of Concourse Drive; thence S00°11'20"W along the West Right-of-Way of Concourse Drive a distance of 129.00 feet; thence continuing along the West Right-of-Way of Concourse Drive along a curve to the LEFT, having a radius of 562.00 feet, a delta angle of 13°19'37" and whose long chord bears S06°43'28"E a distance of 135.30 feet; thence continuing along the West Right-of-Way of Concourse Drive S13°38'17"E a distance of 668.79 feet; thence S76°22'04"W a distance of 265.23 feet; thence N13°37'01"W a distance of 439.18 feet; thence S76°22'37"W a distance of 60.35 feet; thence N13°37'23"W a distance 302.02 feet; thence N77°53'25"E a distance of 57.99 feet; thence N05°25'18"W a distance of 258.44 feet to the point of beginning, located at 333 Concourse Drive.

Continue the following items until October 5, 2009:

101. No. 07SV057 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 12 of Block 1, Lots 1 thru 7 of Block 2, Lots 1 thru 4 of Block 3, Lots 1 thru 15 of Block 4, and Lots 1 thru 31 of Block 5 of Hyland Crossing Subdivision and the Dedicated Right-of-way, located in the W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, legally described as the unplatted W1/2 SE1/4; SE1/4 SE1/4, Section 35, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southern terminus of Dreamscape Drive.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

Motion was made, seconded and carried to close the public comment for Items 96 – 113.

Close Public Hearing (comment) – Items 96 – 113

CONSENT PUBLIC HEARING ITEMS – Items 102 – 109

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

Growth Management Items

- 102. No. 09VR002 – Approve a request by Olsen Development Company, Inc. for a **Vacation of Section Line Highway** of the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, all located in the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2000 Golden Eagle Drive.

RESOLUTION #2009-085
RESOLUTION OF VACATION OF SECTION LINE HIGHWAY

WHEREAS it appears that the Section Line Highway located on the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, all located in the SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more generally described as being located at 2000 Golden Eagle Drive; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described Section Line Highway desires said public Section Line Highway to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public Section Line Highway 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 Section Line Highway in regard thereto.

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 103. No. 09VR003 – Approve a request by Olsen Development Company, Inc. for a **Vacation of Section Line Highway** of the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, and Tract B of Tract 1 of the W1/2 SW1/4 less the IGT Subdivision

and less right-of-way all located in the SE1/4 of Section 22 and the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2000 Golden Eagle Drive.

RESOLUTION #2009-086
RESOLUTION OF VACATION OF SECTION LINE HIGHWAY

WHEREAS it appears that the Section Line Highway located on the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, and Tract B of Tract 1 of the W1/2 SW1/4 less the IGT Subdivision and less right-of-way all located in the SE1/4 of Section 22 and the SW1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Golden Eagle Drive; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described Section Line Highway desires said public Section Line Highway to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public Section Line Highway 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 Section Line Highway in regard thereto.

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

Alcohol Licenses

- 104. Rapid City Area Chamber of Commerce for a Special Beer and Wine License for an event scheduled July 14, 2009 at Dave Schmidt Insurance Agency, 2834 Jackson Blvd.
- 105. Late Harvest Inc. DBA Tally's Silver Spoon, 530 6th St, for a 2009 - 2010 Retail (on-off sale) Malt Beverage License, NO Video Lottery *(Continued from June 15, 2009 City Council Meeting)*
- 106. Late Harvest Inc. DBA Tally's Silver Spoon, 530 6th St, for a Retail (on-off sale) Wine License *(Continued from June 15, 2009 City Council Meeting)*
- 107. Khoury's Mediterranean Cuisine Inc. DBA Khoury's Mediterranean Cuisine, 1109 W Omaha Street Suite D for a Retail (on-off sale) Malt Beverage License, NO Video Lottery TRANSFER from Khoury's Mediterranean Cuisine, 2520 W Main St. *(Continued from June 15, 2009 City Council Meeting)*
- 108. Khoury's Mediterranean Cuisine Inc. DBA Khoury's Mediterranean Cuisine, 1109 W Omaha Street Suite D for a Retail (on-off sale) Wine License TRANSFER from Khoury's Mediterranean Cuisine, 2520 W Main St. *(Continued from June 15, 2009 City Council Meeting)*

109. Khoury's Mediterranean Cuisine Inc. DBA Khoury's Mediterranean Cuisine, 1109 W Omaha Street Suite D for a Retail (on-off sale) Malt Beverage License Renewal for 2009-2010, NO Video Lottery. (Continued from June 15, 2009 City Council Meeting)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 110 – 113

The Mayor presented (No. 09VR004) A request by Olsen Development Company, Inc. for a **Vacation of Section Line Highway** of the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, of Section 22 and the E1/2 N1/2 NE1/4 of Section 27, all located in the SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2000 Golden Eagle Drive. Motion was made by Kroeger, second by Hadcock and carried to approve the request with the following stipulations: 1. Prior to City Council approval, a utility easement, reviewed and approved by Montana Dakota Utilities Company, Qwest Corporation and the City of Rapid City, shall be recorded for the existing Montana Dakota Utilities Company gas line and Qwest Corporation telephone line located within the section line highway; 2. Prior to City Council approval, an access easement shall be recorded at the Register of Deed's Office securing a turnaround at the western terminus of the area of the section line highway to be vacated; and, 3. Prior to City Council approval, an Exception shall be obtained to allow a 1,125 foot long cul-de-sac with no intermediate turnarounds in lieu of a maximum 500 foot long cul-de-sac with an intermediate turnaround every 600 feet.

RESOLUTION #2009-087
RESOLUTION OF VACATION OF SECTION LINE HIGHWAY

WHEREAS it appears that the Section Line Highway located on the south 495 feet of the NE1/4 SE1/4 less Lot 1 and the unplatted portion of the SE1/4 SE1/4, of Section 22 and the E1/2 N1/2 NE1/4 of Section 27, all located in the SE1/4 of Section 22 and the NE1/4 of Section 27, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2000 Golden Eagle Drive; is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described Section Line Highway desires said public Section Line Highway to be vacated and released.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the public Section Line Highway 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 Section Line Highway in regard thereto.

Dated this 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

The Mayor presented (No. 09VR005) A request by Fisk Land Surveying & Consulting Engineers for Tom Rau and Dana Vogt for a **Vacation of Right-of-way** of Lot 16 of Block 2 and Lot 18 of Block 1 of Country

Club Heights, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2809 and 2812 Frontier Drive. Motion was made by Kroeger, second by Hadcock and carried to approve the request with the following stipulations: 1. Prior to City Council approval, the utility easement document shall be signed by the adjacent property owners, Dana Vogt, Thomas Rau, Sherwood L. Corner and Lila Mae Corner. Upon approval of the Vacation of Right-of-way request and the subsequent recording of the Vacation Resolution at the Register of Deed's Office, the utility easement shall be recorded to insure that the existing utilities are secured within an easement.

RESOLUTION #2009-088
RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that the right-of-way located on Lot 16 of Block 2 and Lot 18 of Block 1 of Country Club Heights, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2809 and 2812 Frontier 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 6th day of July, 2009.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

The Mayor presented (No. 09SV013) A request by Fisk Land Surveying & Consulting Engineers for Sandra Fredrickson for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way, to reduce the pavement width and to waive the requirement to provide sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace, to allow a five foot wide Utility and Minor Drainage Easement along the westerly line of proposed Lot 1 in lieu of an eight foot wide easement and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard** on Lots 1 and 2 of Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot G of Tract C of the South Part of Lot 7 of Red Cliff Terrace Subdivision, located in the SW1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4330 Jackson Boulevard. Motion was made by Kroeger, seconded and carried that the requests to dedicate additional right-of-way along Red Cliff Terrace; to reduce the Utility and Minor Drainage Easement from 8 feet to 5 feet along the westerly lot line of proposed Lot 1; and to waive the requirement to provide a ten foot wide planting screen easement along Jackson Boulevard be denied without prejudice; and to approve the request to waive the requirement to install sidewalk, curb, gutter, street light conduit, water and sewer along Red Cliff Terrace be approved with the following stipulations: 1. Prior to Planning Commission approval, drainage information shall submitted for review and approval to address street drainage along Red Cliff Terrace to insure that curb and gutter is not needed; 2. Prior to Planning Commission approval, an Exception shall

be obtained to allow a service line to cross another lot; and to approve the request to reduce the pavement width from 20 feet to 15 feet with the stipulation that a non-access easement be provided along Red Cliff Terrace.

The Mayor presented (No. 09FV008) A request by CETEC Engineering Services, Inc for Rapid Valley Sanitary Sewer District to consider an application for a **Fence Height Exception to allow a 7 foot high fence in lieu of a 6 foot high fence in the Office Commercial Zoning District** on Government Lot 1 less right-of-way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Twilight Drive on Reservoir Road. Motion was made by Kroeger, second by Lacroix and carried to approve the request with the following stipulations: 1. The fence shall be constructed in conformance with the architectural plans and elevations and color palette submitted as part of this Fence Height Exception; and, 2. Prior to the start of construction, an Exception shall be obtained to reduce the setback to the section line from 58 feet to 50 feet or the fence shall be located outside of the 58 foot setback.

BILLS

The following bills having been audited.

Payroll Ending 06/20/2009, Paid 06/26/2009	913,265.32
Payroll Ending 06/30/2009, Paid 06/30/2009	1,241,914.62
Payroll Ending 06/20/2009, Paid 06/26/2009	3,592.80
Pioneer Bank & Trust, Paid 06/26/2009	208,931.95
Pioneer Bank & Trust, Paid 06/30/2009	280,176.44
Pioneer Bank & Trust, Paid 06/20/2009	253.37
SD Retirement System, Paid 07/01/2009	374,369.88
SD Retirement System, Paid 07/01/2009	431.14
SD Dept of Revenue, Paid 06/19/2009	37.42
SD Dept of Revenue, Paid 06/19/2009	38,952.67
SD Dept of Revenue, Paid 06/19/2009	14,309.29
First Administrators, Claims Paid 06/16/2009	69,599.16
First Administrators, Claims Paid 06/23/2009	60,437.70
First Administrators, Claims Paid 06/29/2009	190,495.03
Black Hills Power and Light, Paid 06/24/2009	123,590.80
Black Hills Power and Light, Paid 06/30/2009	17,989.23
First National Bank, Paid 06/30/2009	64,346.09
Montana Dakota Utilities, Paid 06/24/2009	2,245.14
SD Retirement System, 06/30/2009	90.00
US Bank, Paid 06/30/2009	7,470.25
Computer Bill List	5,317,690.19
Subtotal	
Payroll Ending 06/20/2009, Paid 06/26/2009	2,885.11
Pioneer Bank and Trust, Paid 06/26/2009	220.70
SD Retirement System, Paid 07/01/2009	322.74
CIMA Companies	1,008.12
Postage	1.73
Knology	7.00
McKie Ford	1,031.65
Total	8,935,665.54

Preston requested to add a payment to Grizzly Excavation for Alta Vista Sanitary Sewer Extension in the amount of \$800.00 and a payment to Warax Excavation for East Nebraska Street in the amount of \$568.85 for a new total of \$8,937,034.39.

Motion was made by Olson, seconded and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof.

EXECUTIVE SESSION for the purposes permitted by SDCL 1-25-2

Motion was made by Costello, second by LaCroix and carried to go into Executive Session at 10:14 PM for the reasons permitted by SDCL 1-25-2. The Council came out of Executive Session at 11:05 P.M. with all members present.

STAFF DIRECTION

Motion was made by LaCroix, second by Costello and carried to direct the City Attorney's office to proceed in accordance with Executive Session on the contract negotiation matter.

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 11:06 P.M.

ATTEST:

Finance Office

(SEAL)

CITY OF RAPID CITY

Mayor