

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 2, 2010

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, August 2, 2010 at 7:00 P.M.

The following members were present: Mayor Alan Hanks and the following Alderpersons: Bonny Petersen, Ron Weifenbach, Dave Davis, Deb Hadcock, Ron Kroeger, Aaron Costello, Sam Kooiker, Bill Waugh, Gary Brown and Jordan Mason; and the following Alderpersons arrived during the course of the meeting: None; and the following were absent: None.

Staff members present included Finance Officer Pauline Sumption, City Attorney Jason Green, Public Works Director Robert Ellis, Growth Management Director Marcia Elkins, Police Chief Steve Allender, Fire Chief Mike Maltaverne, Community Resources Director Kevin Thom, and Administrative Coordinator Amber Sitts.

ADOPTION OF AGENDA

Motion was made by Brown, second by Waugh and carried to adopt the agenda as posted.

APPROVE MINUTES

Motion was made by Costello, second by Waugh and carried to approve the minutes for July 19, 2010.

NON-PUBLIC HEARING ITEMS -- Items 1 – 71

Motion was made by Davis, second by Brown and carried to open the public comment for Items 1 – 58. No comments were offered.

Motion was made by Brown, second by Costello and carried to close the public comment for Items 1 – 58.

CONSENT ITEMS – Items 1 – 47

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

Public Works Committee Consent Items

1. Refer Amendment to Ordinance 2.60.160 (E) and (F) and Related City Policies to Require Sign Posting and Notices for Comprehensive Plan Amendments to the Planning Commission for further review.
2. Acknowledge the Update on West Main Median and Related Traffic Safety Study.
3. No. PW072710-02 - Authorize Mayor and Finance Officer to Sign a Permanent Access Easement Agreement Between the City of Rapid City and McCarthy Properties LLC for the Main Street Square.

4. No. PW071310-03 - Change Order No. 1 to Heavy Constructors, Inc. for Elm Avenue Reconstruction Phase 3 – East Tallent to East Oakland, Project No. ST09-1759 / CIP No. 50130, for a decrease of \$5,064.25.
5. No. PW072710-03 - Change Order No. 1F to Dakota Barricade, LLC for 2009 Pavement Marking, Project No. PM09-1779 / CIP No. 50593, for decrease of \$833.10.
6. No. PW072710-04 - Change Order No. 1 to Hills Materials Company for the Brentwood Subdivision Grading and Surfacing Completion, Project No. ST10-1863, for an increase of \$8,972.50.
7. No. PW072710-05 – Change Order No. 1F to Tru-Form Construction, Inc. for PPC Pavement Repair – Tamarack Drive, Minnesota Street, and 7th Street; Project No. ST09-1816 / CIP No. 50545, for a decrease of \$6,770.70.
8. No. PW072710-06 - Change Order No. 1F to Traffic Services Company LLC for 2010 Roadway Lane Line Painting, Project No. PM10-1860 / CIP No. 50594, for a decrease of \$3,181.80.
9. No. PW072710-07 - Authorize Staff to Advertise for Bids for the Water Reclamation Spoil Pile Removal, Project No. WRF10-1891 / CIP No. 50825. Estimated cost: \$120,000.00.
10. No. PW072710-08 - Authorize Mayor and Finance Officer to Sign a Property Purchase Agreement Between the City of Rapid City and James D. Kinney for the Jackson Springs Water Treatment Plant Project; Project No. W07-1689, in the amount of \$30,000.00.
11. No. PW072710-09 - Authorize Mayor and Finance Officer to Sign Addendum No. 1 to the Professional Services Agreement with Ferber Engineering Company, Inc. for Jackson Springs Water Treatment Plant Legal Survey Services, Project No. W07-1689 / CIP No. 50696, in the amount of \$3,100.00.
12. No. PW072710-10 - Authorize Mayor and Finance Officer to Sign an Agreement Between the City of Rapid City and Robert and Diane Burgard for the Extension of Water and Sanitary Sewer Mains on Fulton Street.
13. No. PW072710-11 - Authorize lowering the percentage of work that the General Contractor must perform from 50% to 35% for the 6th Street Reconstruction Project; Project No. ST10 – 1817 / CIP #50138.
14. No. 10RD003 - Approve a request by South Dakota Game Fish and Parks for a **Resolution for a Road Name Change from Dean Lane to Adventure Trail** on Dean Lane right-of-way adjacent to Lot 1 of NWE Subdivision, Lot 2 of Tract F of the SE1/4 NW1/4 (including vacated portion of W. Madison Street) of Meadowwood and Block 2 of Tract G of Meadowwood all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located approximately 2,000 feet north of the intersection of West Chicago Street and Sturgis Road.

RESOLUTION #2010-095
RESOLUTION RENAMING
DEAN LANE TO ADVENTURE TRAIL

BE IT RESOLVED, by the City of Rapid City, that the Dean Lane right-of-way adjacent to Lot 1 of NWE Subdivision, Lot 2 of Tract F of the SE1/4 NW1/4 (including vacated portion of W. Madison Street) of Meadowwood and Block 2 of Tract G of Meadowwood all located in Section 33, T2N,

R7E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Adventure Trail.

Dated this 2nd day of August, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

15. No. 10TP018 - Approve the RapidTRIP 2035 Draft Report.
16. No. 10TP020 – Approve the 2011-2015 Transportation Improvement Program Draft Report.
17. No. 10TP021 - Approve 2010-2014 Transportation Improvement Program Amendment #10-004R (Change Funding Category and advance Preliminary Engineering funding to the East North Street Phase I Project from Pine Street to Cambell Street).
18. No. PW072710-12 – Acknowledge the report regarding the Review of Prior Council Discussion and Action on the 40 Unit Dwelling Unit Rule.
19. Direct staff to proceed with drafting ordinance changes to adjust hours for free parking in city owned lots to after 4:00 p.m., weekends, and holidays.

Legal & Finance Committee Consent Items

20. No. LF072810-01 – Approve request from Dakota Transit Association to consume alcohol on city property.
21. No. LF072810-23 - Confirm appointment of the following to the BID (Downtown) Board: Zone 1 (one year term): Terry Nelson, Frank Morrison, and Diane Alberts; Zone 1 (two year term): Mary Pembroke, Robert Fuchs, and Clancy Kingsbury; Zone 2 (one year term): Peter Schmid and Gene Williams; Zone 2 (two year term): Mike Brummer and Sandra Schwan.
22. No. LF072810-25 - Acknowledge Mayor's report on second floor reorganization.
23. No. LF072810-24 – Confirm appointment of Dennis Landguth and Kay Rippentrop to the IDPF Infrastructure Development Partnership Committee and the .16 Utility Fund Oversight Committee.
24. Acknowledge report on incorporating zoning maps into the GIS system.
25. No. LF072810-27 – Acknowledge report on pavement maintenance plan.
26. Request that Mayor and staff attempt to engage the Municipal League's support regarding documentation on discussion in executive session.
27. No. LF072810-02 – Acknowledge Capital Improvements Program Committee monthly update for July 2010.
28. No. LF072810-03 – Approve the Capital Plan for Streets, Drainage, MIP Projects for July 2010.
29. No. LF072810-10 – Acknowledge report on 2011-2015 Capital Improvement Plan.

- 30. No. LF072810-04 – Approve the CSAC Maintenance Funding for 2010 and 2011 of \$96,900 using CIP Contingency.
- 31. No. LF072810-05 – Approve reallocation of \$40,000 from the Parks and Recreation CIP Restroom Renovation Project PR09-6019 to the Deadwood Drainage Trails.
- 32. No. LF072810-06 – Approve Event Permit for Central States Fair Parade on August 21, 2010, from 10:00 a.m. to 12:00 p.m.
- 33. No. LF072810-07 – Authorize staff to advertise for bids for one crew cab pickup for use in field services.
- 34. No. LF072810-08 – Authorize staff to advertise for bids for three Ford police interceptor patrol cars.
- 35. No. LF072810-09 – Approve Resolution Writing Off Uncollectable Ambulance Billing Accounts.

RESOLUTION #2010-100
RESOLUTION WRITING OFF UNCOLLECTABLE AMBULANCE BILLING ACCOUNTS

WHEREAS, The City Finance Office has determined that certain ambulance billing accounts, shown on Appendix A, attached, and totaling \$115,769.69 are uncollectible; 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 details in the official files of the City Finance Office.

Dated this 2nd day of August, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 36. Approve 2.5% medical CPI ambulance rate increase.
- 37. No. LF072810-12 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients –Canyon Lake Senior Citizen Center as well as the Indenture of Restrictive Covenants.
- 38. No. LF072810-13 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients – Black Hills Area Habitat for Humanity.
- 39. No. LF072810-14 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients –Wellspring Inc. as well as the Indenture of Restrictive Covenants.

- 40. No. LF072810-15 – Authorize Mayor and Finance Officer to sign Contract for Fiscal Year 2010 Community Development Block Grant Sub-Recipients – Salvation Army.
- 41. No. LF072810-28 – Acknowledge report on landfill alternative covers.
- 42. No. LF072810-17 – Authorize staff to advertise for bids for Mt. View Cemetery Irrigation System – Phase 3, Project No. PR09-6010.
- 43. No. LF072810-18 – Authorize Mayor and Finance Officer to sign Lease Agreement with Rapid City Area School District No. 51-4 for Use of Tennis Courts located at North Middle School, Stevens High School, and Parkview.
- 44. No. LF072810-19 – Approve Resolution of Intent to Enter into Exchange of Land with NeighborWorks Dakota Home Resources Pursuant to SDCL 6-5-4 and 9-27-34.1.

RESOLUTION #2010-096
 A RESOLUTION OF INTENT TO ENTER INTO EXCHANGE OF
 LAND WITH NEIGHBORWORKS DAKOTA HOME RESOURCES
 PURSUANT TO SDCL 6-5-4 AND 9-27-34.1

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into an exchange of land with NeighborWorks Dakota Home Resources which property is located at 820 Lemmon Avenue and 706 Lemmon Avenue and is legally described as follows:

Lots 25 and 26 of Block 4, North Rapid Subdivision located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota;
 and
 Lots 19 and 20 of Block 25, North Rapid Subdivision located in Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock p.m., on the 16th day of August, 2010, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing an exchange upon the terms and conditions as it shall determine in said resolution.

Dated this 2nd day of August, 2010.

ATTEST:
 s/ James F. Preston
 Finance Officer

CITY OF RAPID CITY
 s/ Alan Hanks, Mayor

(SEAL)

- 45. No. LF072810-20 – Approve Resolution of Intent to Enter into Lease of Land with the Black Hills Chapter of the American Red Cross Pursuant to SDCL 9-12-5.2.

RESOLUTION #2010-097
 A RESOLUTION OF INTENT TO ENTER INTO LEASE OF
 LAND WITH THE BLACK HILLS CHAPTER OF THE AMERICAN RED CROSS

PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into a lease of real property with the Black Hills Chapter of the American Red Cross, which property is described as follows:

Block 128 & the E 66' of Block 127, Lot 98A Except the W 99' of said lot, Rapid City, Pennington County, South Dakota

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 16th day of August, 2010, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 2nd day of August, 2010.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Alan Hanks, Mayor

(SEAL)

- 46. No. LF072810-21 – Authorize Mayor and Finance Officer to sign Covenant Agreement between the City of Rapid City and Randy Hoover and Barbara Hoover.
- 47. No. LF072810-22 – Acknowledge raffle request from Western Resources for dis-ABLED Independence.

END OF CONSENT CALENDAR

CONTINUED CONSENT ITEMS – Items 48 – 58

Motion was made by Brown, second by Costello and carried to approve the following items as they appear on the Continued Consent Items.

Continue the following items until August 16, 2010:

- 48. 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.
- 49. No. 10PL016 - A request by Sperlich Consulting, Inc. for Scott Weyer of Weyer Creations for a **Layout Plat** on Lots A thru E of Lot 1 of Judicial Lot 4 of Norman Ranch Subdivision, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 1 of Judicial Lot 4, located in the NW1/4 of the NW1/4, Section 28, T1N, R8E,

BHM, Pennington County, South Dakota, located approximately 1.424 miles southwest of the intersection of Old Folsom Road and S.D. South Highway 79.

50. No. 10PL028 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.
51. No. 10PL032 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Preliminary Plat** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the E1/2 of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Tower Road and north of Skyline Ranch Road.
52. No. 10PL033 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Preliminary Plat** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
53. No. 10PL037 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 14 thru 22 of Block 7 and Lots 14 thru 21 of Block 8 of Red Rock Meadows Subdivision, of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the NW1/4, Section 28, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Seminole Lane.
54. No. 10PL041 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.
55. No. 10PL042 - A request by Sperlich Consulting, Inc. for Century Resources, Inc. for a **Preliminary Plat** on Lots 2 thru 5 and Lots 7 thru 9 of Vista Ridge Subdivision and Lots 5, 8 and 9 of Block 1 of Menard Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 3 and all of the adjacent alley of the NW1/4 of the SW1/4, less Lot H1, a portion of the NW1/4 of the SW1/4 and a portion of the NE1/4 of the SW1/4, located in the N1/2 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of East North Street and East Anamosa Street.
56. No. 10PL048 - A request by Sperlich Consulting, Inc. for Larry and Gayle Motsick for a **Preliminary Plat** on Lots A and B of Attic Subdivision, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot DS-2 Revised, Lot DS-3, Lot H-3, a portion of Lien Street right-of-way and a portion of the previously vacated section line right-of-way located in the SW1/4 of the SW1/4 and the SE1/4 of the SW1/4, Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1339 Deadwood Avenue.

Continue the following items until September 7, 2010:

57. No. 10RD001 - A request by City of Rapid City for a **Resolution for Road Name Change renaming a portion of Eglin Street to North Creek Drive** on that portion of Eglin Street lying adjacent to Lot A, B and C in Menard Subdivision, the Balance of Tract B in the NW1/4, NE1/4, Less Lot H2, Section 32, T2N, R8E, Platted, the Railroad Right-of-Way, Lot 3 in Carefree Subdivision, Lot 1 and 2, Less Lot H1 in Carefree Subdivision all in the N1/2, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Century Road and the Interstate 90 Interchange, west of Dyess Avenue and north of East Anamosa Street.
58. No. 10RD002 - A request by City of Rapid City for a **Resolution for Road Name Change naming the unnamed right-of-way to Eglin Street** on the previously unnamed portion of Lot PE1 of Lot "X" in the SE ¼, Section 29, T2N, R8E, and the right-of-way Lot H1 lying adjacent to Lots 1 and 2, in Carefree Subdivision, in the NE¼ of Section 32, T2N, R8E, and the Vacated Section Line Highway Adjacent to Lot "X", and Lots 1 and 2, Carefree Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of East North Street and Interstate 90 Interchange.

END OF CONTINUED CONSENT ITEMS

NON-CONSENT ITEMS – Items 59 – 71

Motion was made by Costello, second by Waugh and carried to open the public comment for Items 59 – 71. Nick Kenaston expressed his opposition to Item 61 (No. 10RZ042) and said adding another mobile home zone will be detrimental to property values in the area. Bill Fretag requested 7 minutes to speak, and there were no objections by the Council. He then reviewed the situation regarding the sewer back up at Metz Bakery and expressed his concerns regarding the payment for clean up costs.

Motion was made by Costello, second by Waugh and carried to close the public comment for Items 59 – 71.

Ordinances

Ordinance 5635 (No. 10OA002) An Ordinance to Revise the Density Requirement in the Canyon Lake Overlay District by Amending Chapter 17.60.060 of the Rapid City Municipal Code. Motion was made by Hadcock, second by Waugh and carried that Ordinance 5635 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, August 16, 2010.

Ordinance 5636 (No. 10OA002) An Ordinance to Revise the Density Requirement in the Fifth Street Overlay Zoning District by Amending Chapter 17.62.060 of the Rapid City Municipal Code. Motion was made by Hadcock, second by Costello and carried that Ordinance 5636 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, August 16, 2010.

Ordinance 5634 (No. 10RZ042) An Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, Rezoning the within Described Property as requested by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Mobile Home Residential District** of the SW1/4 NW1/4, the NW1/4 SW1/4, and the N1/2 SW1/4 SW1/4 of Section 21, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Elk Vale Road and south of Country Road. Motion was made by Hadcock, second by Davis and carried that Ordinance 5634 be placed upon its first reading. The title was fully and distinctly read and second reading set for Monday, August 16, 2010.

Ordinance 5633 (No. LF071410-17) An Ordinance Changing the Classification of Users of Untreated Irrigation Water from Irrigation Users to Commercial Users by Amending Section 13.04.005 of the Rapid City Municipal Code having passed its first reading on July 19, 2010; motion was made by Hadcock,

second by Waugh and carried that the title be read the second time. Upon vote being taken, the following voted AYE: Petersen, Weifenbach, Davis, Hadcock, Kroeger, Costello, Kooiker, Waugh, Brown and Mason; NO: None; whereupon the Mayor declared the motion passed and Ordinance No. 5633 was declared duly passed upon its second reading.

Growth Management Department Items

Motion was made by Hadcock, second by Waugh, to approve (No. 10PL036) a request by CETEC Engineering Services, Inc. for RCS Storage, LLC for a **Layout and Preliminary Plat** on Lot 3R of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1718 and 1824 Marllin Drive with the following stipulations: 1. Prior to Preliminary Plat approval by the City Council, 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 complete Preliminary Plat document shall be submitted for review and approval which includes the plat title and certificates of signature; 3. Prior to Preliminary Plat approval by the City Council, construction plans shall be submitted for review and approval showing water and sewer along Elk Vale Road or a Variance to the Subdivision Regulations shall be obtained; 4. Prior to Preliminary Plat approval by the City Council, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual shall be submitted for review and approval if subdivision improvements are required. In addition, an Erosion and Sediment Control Permit shall be obtained prior to any construction; 5. Prior to Preliminary Plat approval by the City Council, a cost estimate of the subdivision improvements shall be submitted for review and approval; 6. 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, and, 7. Prior to the City's acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required. Responding to Weifenbach, Elkins explained the stipulations were brought forward by Planning Commission and said 1 through 5 have already been met. She also confirmed that item 7 will be followed up by Public Works staff. Motion carried.

Legal & Finance Committee Items

Motion was made by Hadcock, second by Waugh, to approve (No. LF072810-29) a request to authorize the Mayor and Finance Officer to sign Addendum to Agreement for Real Estate Broker Services with Kenneth Kirkeby. Green explained that this is the addendum to get the property listed and Mr. Kirkeby is already actively working on it. Responding to Kooiker, Green said if the property is sold a portion of the funds will go back to the water enterprise fund as that was the source to purchase the property and any amount above and beyond will be within discretion of Council. Green indicated that once sold it is impossible to say how long the transfer will take, and he clarified the City will collect funds before the transfer is complete. Mayor Hanks pointed out the Council can add a drop-dead date to the sales agreement as well. Motion carried with Alderman Kroeger abstaining.

Public Works Committee Items

Motion was made by Waugh, second by Costello, to (No. PW060110-02) Acknowledge the report on Cabela's Land Transfer. Responding to Kooiker, Green pointed out that the election did nothing to transfer the property. He then reviewed the timeline of events regarding the land transfer, and Kooiker requested the timeline is linked to the agenda. He suggested that a policy is drafted require donated property be officially accepted by Council prior to the transfer of the deed and the property donated or sold by the City be transferred within 60 days unless an extension of no more than 60 days is granted and multiple extension are possible. Motion carried.

Motion was made by Kooiker, second by Davis, to add the drafting of a policy to the next Public Works agenda with the intent to draft a policy as outlined. Responding to Hadcock, Green said he is not aware of any other similar situation but said that does not mean you cannot draft a policy. Hadcock said there cannot be a policy and resolution for everything and said it is irrelevant if we are doing it for only one situation. Weifenbach indicated his support for the policy, and responding to Mason, Kooiker confirmed that he is suggesting this policy address any land transfer. Responding to Mason, Green confirmed we are considering a land transfer regarding Item 64 (No. LF072810-29) and said the 60 day rule applying to every transaction merits more discussion. Motion carried.

Motion was made by Kooiker, second by Hadcock, to approve (No. 10FV009) a request by Loran T. Hoch for a **Fence Height Exception to allow a six foot fence in lieu of a four foot fence in the front yard setback** on Lot 1 of Block 14 of South Robbinsdale Addition, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 801 East Iowa Street with the following stipulations: 1. The fence shall be relocated outside of the public right-of-way; 2. The fence shall be located in compliance with the sight triangle requirements as identified in Section 17.50.335 of the Rapid City Municipal Code. Elkins briefly described the stipulations and said the applicant is in concurrence with the requirements. Motion carried.

Council Items & Liaison Reports

Alderman Mason addressed (No. CC080210-04) a proposal for a 311 Service and discussed calls for non-emergency functions. Motion was made by Mason, second by Weifenbach, to ask staff to draft a recommendation to bring to the August 11, 2010 Legal and Finance meeting. Petersen pointed out that there is a 211 number that could be combined and said the motion does not allow much time for investigation. Mayor Hanks pointed out that some research has already been done, and Weifenbach said there is merit to the proposal. Mason discussed his concerns with using the current 211 option, and Mayor Hanks confirmed that the City pays \$9,000 per year for that service. Hadcock expressed that she will vote based on priority and funding. Motion carried.

Alderman Mason addressed (No. CC080210-05) the Paperless Office Environment. He explained that he would like the Council to move toward a resolution to lead an effort in cost savings, a paperless agenda and environmentally friendly stance. Motion was made by Mason, second by Costello, to add this item to the August 11, 2010 Legal and Finance meeting. Hadcock said this is a good idea and suggested that it would be beneficial to ask staff how this process could be moved forward. Costello indicated this is appropriate and stated his support. Motion carried.

Alderman Weifenbach addressed the (No. CC080210-06) Travel Policy indicating he would like to strike Council leadership approval from the record. He said the whole Council should weigh in and the current policy eliminates the Council from the process. Motion was made by Weifenbach, second by Costello, to change the policy from \$1,500 to \$500 for Council leadership approval per Council member per event. Responding to Costello, Green said the Council could change the policy, but he recommended taking it to committee first.

Substitute motion was made by Costello, second by Brown and carried to continue the item to the August 11, 2010 Legal and Finance meeting.

Alderman Kroeger addressed the McCarthy Properties and Melody Acres Refund, and he asked where we go now. He mentioned putting businesses on a list that would not allow them to bid on City projects. Costello asked if the Council has read the opinion letter regarding options from the City Attorney. Hadcock had not read the letter but indicated that discussion needs to take place today. Costello expressed his disappointment that the payment was sent to McCarthy Properties without Council approval. Weifenbach said he is discouraged that this payment went out and said he has not seen a bill for that amount. Responding to Weifenbach, Sumption clarified that the check was processed as a

refund rather than a sewer claim since the claim was already processed once. She then reviewed the timeline of events regarding the sewer back up. Weifenbach said there is a process that has been misplaced and said there was no bill for the funds that were paid. Hadcock questioned what the funds were used for that were kept by McCarthy Properties, and Sumption explained that they allocated funds to Buck's Electric, McCarthy Anderson, MAC Construction, Drain Master and legal fees. She said typically legal fees are not allowable expenses, but the original bill was for clean up costs, not legal expenses. Hadcock said there needs to be more inquiry and said a new process should have been started when he returned the money. She then reviewed the options provided by the City Attorney, and Mayor Hanks and Green confirmed they did not see the letter requesting the funds back. Hadcock asked who is responsible. Responding to Hadcock, Bill Fretag referred to numbers 6 and 7 in the resolution and said Council has sole authority. Hadcock continued to express her concerns that the funds were returned, and Mayor Hanks explained that any errors by staff are addressed by the Mayor. Responding to Hadcock, Mayor Hanks indicated correspondence from attorneys often comes through the City and does not go to the Mayor or City Attorney. He also explained that it would take many hours to review each line item on the bill list so they depend on staff, and he said he will address the issue with staff. Hadcock said the Melody Acres issue was also a mistake and they were unable to get the funds returned. Alderman Mason called point of order regarding the speaking time limits per policy and procedures, and Hadcock yielded. Responding to Mason, Sumption explained that the sewer back up claims are eligible for up to \$3.00 per square foot and McCarthy's bills exceeded that amount. He was paid the maximum allowed by the policy. When McCarthy requested the funds back, she said the discussion was that Council had already approved the reimbursement and they were still eligible for payment under the policy. They did not realize this request opened up a new claim that should have come before the Council. Responding to Mason, Sumption explained purchase requests versus refunds. Green explained that he believes this was an honest error in effort to provide good customer service, and he clarified that this was the payment of a claim against the City, not a refund. Mason indicated he did not understand why the funds were sent back to McCarthy, and Green explained that the proper treatment of the letter requesting payment was a claim for payment which should have gone through the process. Green explained there is an established policy and that policy balances the need of the homeowner to be reimbursed quickly to remedy the situation.

Motion was made by Costello, second by Waugh, that the Council request that McCarthy Properties return the \$18,887.98 and follow the process for approval by placing this item on the August 10, 2010 Public Works agenda. Costello requested that all information is linked to that agenda. Petersen expressed concern about legal fees and hopes staff has solutions so this will not happen again. Weifenbach indicated accountability needs to take place, and he said we need to review the bill that was presented versus what was paid. Kooiker said the Council president has authority to make decisions in the absence of the Mayor and he expects the president would be contacted the next time something like this comes across. He said they need to understand how refunds are coded in the billing list and pointed out they are difficult to look for in the bill list due to different descriptions. Sumption suggested searching by the refund code 4530 as there are several different people entering the descriptions. Responding to Hadcock, Green said asking Mr. McCarthy for the refund and going through the process does not set up the City for litigation but where the process leads possibly could. Hadcock reiterated her concern that the money was given back with no questions asked. Responding to Weifenbach, Sumption said when the funds were returned they went into the water reclamation fund as recovered Public Works expenses. Green clarified that the legal character is the payment of a claim, not a refund, so it is legal to pay this. Green also indicated that the facts of this case are unique enough that there is not much precedential value to it going forward. Mason said he feels the City satisfied our obligation in the first transaction. Green explained that there is a legal basis to pay this claim, but he confirmed a portion of the process for approval was bypassed. He also clarified that it is permissible to ask for the funds back, but he does not know what Mr. McCarthy will do. The Council can determine if this is an appropriate payment at the committee meeting or the Council can decide to take action to get the money back. Hadcock said they need to find interpretations to help citizens as well as they do government.

The question was called by Alderman Brown, and there was no objection. Motion carried.

Staff Items

Ellis addressed the (No. CC080210-03) Vision 2012 Update and said explained an update to the Downtown Stormwater Project. Motion was made by Costello, second by Waugh and carried to acknowledge the report.

PUBLIC HEARING ITEMS – Items 72 – 85

Motion was made by Waugh, second by Costello and carried to open the public hearing for Items 72 – 85 excluding Item 84. Nick Kenaston stated his support for Item 72. He then asked Mayor Hanks to apologize to the constituents of Rapid City regarding his comments during the discussion for Item 70 (McCarthy Properties/Melody Acres Refund) as Kenaston felt it is the Mayor's responsibility to manage the bill list.

CONTINUED PUBLIC HEARING CONSENT ITEMS – Items 72 – 76

The following items were removed from the Continued Public Hearing Consent Items:

72. No. 10SV007 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44.

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

Continue the following items until August 16, 2010:

73. No. 10SV008 - A request by Renner & Associates, LLC for Skyline Pines, East, LLLP for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along a portion of Fairmont Boulevard as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Lot 19 and the dedicated Fairmont Boulevard Right-of-way of the Skyline Pines East Subdivision, located in the N1/2 of the SE1/4, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 of the SE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Mt. Rushmore Road and North of Tower Road at the western terminus of Cathedral Drive.
74. No. 10SV009 - A request by Renner & Associates, LLC for Andrea K. Sabow for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, streetlight conduit, water, sewer and additional pavement along Tower Road, Skyline Ranch Road and to waive the requirement to install curb, gutter, sidewalk streetlight conduit, water, sewer and pavement along Hanks Drive as they abut the property as per Chapter 16.16 of the Rapid City Municipal Code** on Tracts A, B and C of Tower Place, located in the N1/2 of the SW1/4, Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as The E1/2 E1/4 NW1/4 SW1/4, Section 14, T1N, R7E, BHM, Pennington County, South Dakota, excepting there from Lot B of the S1/4 NW1/4, N1/4 SW1/4,

Section 14, shown on the plat filed in Plat Book 3, Page 155, and also excepting there from Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and that part of the NE1/4 SW1/4, Section 14, bounded on the north by Lot B of the S1/4 NW1/4 and the N1/4 of the SW1/4, Section 14, shown on the plat filed in Plat Book 3, page 155, and bounded on the east by the right-of-way for "Old U.S. Highway 16" shown on the plat filed in Highway Plat Book 2, Page 48, and bounded on the south by Lot A, Section 14, shown on the plat filed in Plat Book 3, Page 17, and bounded on the west by the west boundary line of said NE1/4 SW1/4, located west of Tower Road and north of Skyline Ranch Road.

75. No. 10SV010 - A request by Sperlich Consulting, Inc. for Daene Boomsma for a **Variance to the Subdivision Regulations to waive the requirement to pave the alley right-of-way and to waive the requirement to increase the existing pavement width of Lemmon Avenue from 24.1 feet to 27 feet as they abut the property pursuant to Chapter 16.16 of the Rapid City Municipal Code** on Lots 27R and 29R of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 27, 28 and 29 of Block 25 of North Rapid Addition, located in the E1/2 of the SW1/4 of the NE1/4, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 724 Lemmon Avenue.
76. No. 10SV014 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to reduce the pavement width from 27 feet to 20 feet and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water and sewer along Pioneer Circle as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2 of Baxter Subdivision, located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, legally described as an unplatted parcel of land located in the SW1/4 SE1/4 SW1/4, Section 31, T1N, R7E, BHM, Pennington County, South Dakota, located at 7601 Pioneer Circle.

END OF CONTINUED PUBLIC HEARINGS CONSENT ITEMS

The Mayor presented (No. 10SV007) a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer at the Section Line Highway and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer at Airport Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots A and B of White Eagle Ranch, located in the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 of the SE1/4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located at 14870 East Highway 44. Motion was made by Kooiker, second by Costello, to continue the item to the August 16, 2010 City Council meeting. Responding to Kooiker, Elkins confirmed this is related to the contested issue between the applicant and airport. She said the decision regarding the final item on the agenda will influence how the Planning Commission looks at this, and they will then provide a recommendation. Motion carried.

Motion was made by Costello, second by Waugh and carried to close the public hearing for Items 72 – 85 excluding Item 84.

CONSENT PUBLIC HEARING ITEMS – Item 77 – 80

Motion was made by Weifenbach, second by Costello and carried to approve the following items as they appear on the Consent Public Hearing Items.

Alcohol Licenses

- 77. 168 Inc. DBA China Luck, 740 Mt. View Rd., for a Retail (on-off sale) Malt Beverage License TRANSFER from Li Zhu DBA Asian Garden, 740 Mt. View Rd.
- 78. 168 Inc. DBA China Luck, 740 Mt. View Rd., for a Retail (on-off sale) Wine License TRANSFER from Li Zhu DBA Asian Garden, 740 Mt. View Rd.
- 79. Rapid City Cosmopolitan Club for a Special Event Malt Beverage License for an event scheduled on September 17, 2010 at Memorial Park.

Assessment Rolls

- 80. No. LF063010-03 – Approve Resolution Levying Assessment for the Cleanup of Miscellaneous Property.

RESOLUTION #2010-098
 RESOLUTION LEVYING ASSESSMENT FOR
 CLEANUP OF MISCELLANEOUS PROPERTY

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

- 1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property cleanup is the amount stated in the proposed assessment roll.
- 2. The Assessment Roll for Cleanup of Miscellaneous Property is hereby approved and assessments thereby specified are levied against each and every lot, piece, or parcel of land thereby described.
- 3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 2nd day of August, 2010.

ATTEST:
 s/ James F. Preston
 Finance Officer

CITY OF RAPID CITY
 s/ Alan Hanks, Mayor

(SEAL)

END OF CONSENT PUBLIC HEARING CALENDAR

NON-CONSENT PUBLIC HEARING ITEMS – Items 81 – 85

The Mayor presented (No. 10SE006) A request by Mona Drolc for Ups of Downs Family Support Group for a **Special Exception to the Flood Area Construction Regulations to allow temporary structures in the flood plain** on Tract 20 of the Rapid City Greenway Tract, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Memorial Park Bandshell. Motion was made by Kooiker, second by Waugh and carried to approve the request with the following stipulations: 1. That the event will be stopped and the structures removed if ordered by the Police Chief, Fire Chief, Mayor,

Emergency Management Director or the Public Works Director; and, 2. That the structures for the event be removed that evening after the event has ceased.

Motion was made by Kooiker, second by Waugh and carried to authorize the Mayor and Finance Officer to sign the waiver of right to protest a future assessment for the installation of water and sewer along Elk Vale Road as they abut Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1718 and 1824 Marlin Drive. (10SV012)

The Mayor presented (No. 10SV012) a request by CETEC Engineering Services, Inc. for RCS Storage, LLC for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3R of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of Marlin Industrial Park, Section 20, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1718 and 1824 Marlin Drive. Motion was made by Kooiker, second by Waugh and carried to approve the request with the following stipulation: 1. Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements.

Motion was made by Kooiker, second by Waugh and carried to open the public hearing for Item 84. Green explained that this item was previously denied, and after litigation, the judge ordered Council to require a new public hearing. Mayor Hanks suggested not timing the public comment period, and there were no objections. Ed Carpenter said the appeal should be upheld. He indicated this should be decided on merits and based on consistent objective standards. He described the sign and pointed out one face of the sign is already digital. He also pointed out that in October 2009 another permit was granted to another applicant for a new sign 1,000 feet away from this sign. If the permit is not granted, Carpenter asked Council to identify what standard is not met. Terry Olson, Lamar Advertising, discussed the sign in question and explained that they want to hang a digital sign in place of the static sign. He said their digital signs do not blink, flash or scroll and the signs change messages in 1/10th of a second. He explained that their signs meet all state and Rapid City codes. Doug Rumpka reiterated that they are willing to participate in discussions and questions and requested Council's support. Mark Kirkeby spoke in opposition of the sign and briefly discussed safety issues. He requested that Council slow down on this issue.

Motion was made by Costello, second by Waugh and carried to close the public hearing for Item 84.

The Mayor presented (No. 10UR004) **An Appeal of Planning Commission's decision** on a request by Lamar Advertising for a **Conditional Use Permit to allow an electronic billboard** on Lot 9 of Lot K-3, less Lot H-1 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 532 East Anamosa Street. Motion was made by Kooiker, second by Waugh, to deny the request. Elkins reviewed the criteria, and Mayor Hanks pointed out there are both objective and subjective parts. Hadcock pointed out the recommendation from staff was due to safety. She asked why this is different than the Civic Center and said we should follow our own criteria if safety is a concern.

Substitute motion was made by Hadcock, second by Weifenbach, to approve the request. Responding to Mason, Chief Maltaverne indicated there is no way to track the causes of accidents, and Mr. Kirkeby responded that he cannot see the light from the sign from his home. Mason stated that he is tenuous of denial if the safety concern cannot be substantiated as it appears the conditions have been met. Mr. Olson indicated they have not gotten any complaints regarding the digital sign on the south face and said the signs have a light sensing unit as well. Petersen briefly discussed safety studies and concerns, and she mentioned the density of signs in the area. She pointed out that billboards are distracting. Davis said this is about signs in general and mentioned concerns of sending a mixed message. He said the sign committee needs an opportunity to deliver their plan and said he will vote against signage until that time. Weifenbach discussed the sign in question and referred to the mission of the Council. He said it is not

what the Council feels is good but what is right. Responding to Waugh, Olson indicated the sign will change every 6 seconds. It was indicated that the busiest street in town is West Main with 35,000 cars per day and LaCrosse was estimated at 25,000 cars per day. Responding to Kroeger, Olson said the other sign that is 1,000 feet away from the sign in question was approved without a conditional use permit. Elkins said that the sign should have gone through the conditional use permit. Kroeger said the sign is in place and said those going south should have the same view as those going north. Responding to Costello, Mr. Olson said the digital sign would be a couple square feet smaller. Costello explained it is the responsibility of Council to take up the item with the ordinance as it stands, and Olson also confirmed they will not be taking any signs down to replace this sign face. Costello said he does not see a reason to deny this at this point. Responding to Hadcock, Elkins said she is not sure of the facts regarding the sign 1,000 feet north. Olson said that sign is not built yet but they have a permit to put up two digital faces. Hadcock expressed concern regarding the conditional use permit. Green said a permit issued in error is not the basis to issue a zoning permit for a sign and Council would need to take that up through litigation. Hadcock said it is wrong if we are not going to use our own process and said we need to clean up the process so we are all on the same page. She pointed out that on-premise signs have issues as well. Responding to Davis, Mayor Hanks explained the task of the ad hoc committee and said the decision needs to be made on the criteria currently in place. Elkins said criteria are objective and subjective and noted that staff's primary concern was safety. Mason discussed the right to express yourself and he agreed that the Council must be consistent with the way rules are applied. Weifenbach said this has to do with the overall concept of eliminating billboards. He then said this eliminated 6 billboards and said there is no substantial proof there is a safety issue. Responding to Petersen, Green said it is unlikely that the city would be liable if a study in the future indicates there is a negative impact by digital signs, but it should be evaluated at such time. Petersen indicated her constituents do not like billboards, and she is representing them. Regarding safety, she said if you can prevent a problem that is the way to go. Kooiker briefly discussed the sign at the Civic Center and his position on that issue. Responding to Kooiker, Olson explained you have to go by the state code on state or federally funded highways and said the Civic Center made the sign on-premise sign, of which the state has no jurisdiction. He said Lamar's digital signs meet state, federal and city regulations, and he said they have data studies indicating there are no safety issues. Upon roll call vote being taken, the following voted AYE: Weifenbach, Davis, Hadcock, Kroeger, Costello and Mason; NO: Kooiker, Waugh and Petersen. Motion carried with Alderman Brown abstaining.

The Mayor presented (No. 10VR001) a request by FMG, Inc. for Good Samaritan Society for a **Vacation of Right-of-Way** on the St. Martin's Road right-of-way located in the S1/2, excepting the southern 60.3 feet of said right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of S.D. Highway 79 (Sturgis Road) and Hidden Valley Road. Motion was made by Kooiker, second by Costello and carried to continue the request to the August 16, 2010 City Council meeting.

BILLS

The following bills have been audited. Motion was made by Brown, second by Kroeger, to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Responding to Mason, Sumption indicated that the cost center for the SD Trial Association Dues will be corrected. Motion carried.

Payroll Paid Ending 07-17-10, Paid 07-23-10	876,464.65
Payroll Paid Ending 07-17-10, Paid 07-23-10	2,661.32
Payroll Paid Ending 07-31-10, Paid 07-31-10	1,185,574.72
Pioneer Bank, Taxes Paid 07-23-10	205,501.79
Pioneer Bank, Taxes Paid 07-23-10	192.75
Pioneer Bank, Taxes Paid 07-31-10	285,058.55
First Administrators, Claims Paid 07-21-10	79,783.43
First Administrators, Claims Paid 07-28-10	49,708.06

CITY COUNCIL**AUGUST 2, 2010**

1st National Bank in Sioux Falls, Paid 07-19-10	330,956.26
Black Hills Power and Light, Paid 07-21-10	138,021.10
Bank West, TID 44, Paid 07-20-10	3,324.91
Bank West, TID 47, Paid 07-20-10	286.65
Bank West, TID 54, Paid 07-20-10	7,744.33
Bank West, TID 55, Paid 07-20-10	2,310.85
Bank West, TID 56, Paid 07-20-10	19,807.57
Bank West, TID 63, Paid 07-20-10	35.48
Black Hills Community Bank, TID 46, Paid 07-20-10	238,654.05
City of Rapid City, TID 55, Paid 07-20-10	431.06
Dacotah Bank, TID 40, Paid 07-20-10	12.94
First Interstate Bank, TID 39, Paid 07-20-10	36.44
First Interstate Bank, TID 41, Paid 07-20-10	10,112.03
First Interstate Bank, TID 50, Paid 07-20-10	1,812.07
First National Bank, TID 33, Paid 07-20-10	38.94
First National Bank, TID 53, Paid 07-20-10	18.12
Great Western Bank, TID 38, Paid 07-20-10	756.80
SD Housing Development Authority, TID 51, Paid 07-20-10	1,289.86
SD Department of Labor, Unemployment Insurance	7,414.24
US Bank, TID 19, Paid 07-20-10	23.81
US Bank, TID 61, Paid 07-20-10	331.66
Computer Bill List	<u>3,811,640.70</u>
Subtotal	\$7,260,005.14
Payroll Paid Ending 07-17-10, Paid 07-23-10	2,847.73
Pioneer Bank, Taxes Paid 07-23-10	217.86
City of Rapid City – Postage	172.30
Ikon Financial Services	<u>8.79</u>
Total	\$7,263,251.82

EXECUTIVE SESSION

Motion was made by Costello, second by Davis, to go into Executive Session at 10:57 P.M. for the reasons permitted by SDCL 1-25-2. Weifenbach, Kooiker and Hadcock expressed concern speaking about Item 87 in Executive as it has already been discussed at committee. Green indicated it is potential litigation matter. Motion carried with one NO from Kooiker. The Council came out of Executive Session at 11:54 P.M. with all members present.

STAFF DIRECTION

Motion was made by Costello, seconded and carried to authorize the Public Works Director to extend an offer for the contract terms discussed in Executive Session.

Motion was made, seconded and carried to authorize the placement of the candidate for Administrative Secretary on the step and grade that would maintain the salary at the same level she currently has.

Motion was made by Kooiker, second by Costello and carried to direct staff to prepare a resolution to dedicate Lot A of Lot B as public right-of-way. (No. LF072810-11)

ADJOURN

As there was no further business to come before the Council at this time, the meeting was adjourned at 11:56 P.M.

ATTEST:

CITY OF RAPID CITY

Mayor

Finance Office

(SEAL)