

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
December 29, 2009

Pursuant to due call and notice thereof, a special meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Tuesday, December 29, 2009 at 12:30 P.M.

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

Staff members present included Finance Officer Jim Preston, Assistant City Attorney Joel Landeen, Public Works Director Robert Ellis, IT Officer Russ Tiensvold and Administrative Coordinator Amber Sitts.

Mayor Hanks called the meeting to order and noted that Item 1 (No. CC122909-01) Bill List for December 29, 2009 will be considered after Item 2 (No. LF120209-15) Second Reading and Recommendation of Ordinance No. 5563 Regarding Supplemental Appropriation No. 6 for 2009. Preston referred to the summary of changes. Since the some Council members indicated they did not have a copy of the changes, Mayor Hanks requested copies to be made and distributed to the Council.

Motion was made by Olson, second by Waugh and carried to consider Item 2 after Item 3 (No. LF121609-06) A request from the Humane Society to Discuss Agreements between the City of Rapid City and The Humane Society of the Black Hills for Shelter Service and Animal Control Services.

Motion was made by Olson, second by Weifenbach, to authorize the Mayor and Finance Officer to sign an Agreement for Shelter and Animal Control Services between the City of Rapid City and The Humane Society of the Black Hills. Olson said that they have come to an agreement that is a workable solution for the next year, and she explained that they have come up with a less costly way of handling dispatch. Weifenbach requested confirmation that their message instructs callers to dial 911 if there is an emergency. Hadcock requested confirmation that the utilities are covered. Mayor Hanks pointed out that this is a contract for services, so there are not line items. Hadcock asked that the Humane Society make sure that is in their budget. It was also confirmed that this does not adjust time frames for euthanizing animals. Motion carried.

Motion was made by Hadcock, second by LaCroix and carried to continue the public hearing for Fish Garbage Services Inc. to the January 19, 2010 City Council meeting. Landeen explained that Fish Garbage Services Inc. has withdrawn their request to waive the fifteen day requirement. Motion carried.

Ordinance 5563 (No. LF120209-15) An Ordinance Regarding Supplemental Appropriation No. 6 for 2009 having passed its first reading December 7, 2009; motion was made by Olson, second by Chapman, that the title be read the second time. Preston reviewed the changes from the last appropriation that was approved. Chapman requested to add funds for the utilities at the Dahl, and Preston indicated that \$9,000 would cover the anticipated expenses.

Amendment motion was made by Chapman, second by LaCroix, to include \$9,000 to the Dahl and have it come from undesignated cash. Hadcock asked if other areas have been short on utilities. It was indicated that if anyone else was over they are not asking for additional funds, and Preston explained that the Dahl did not have additional funds in their appropriated budget. It was confirmed that the contract with the Dahl states that the City will pay utilities except for telephone costs. Weifenbach stated his support but said he would like to look at this in the future. Mayor Hanks explained that there are additional funds in the Dahl's utility line items for the next fiscal year. Olson pointed out that discussion has taken place and the contract with the Dahl will need to be renegotiated. Motion carried.

Responding to Hadcock, Preston indicated that there is a decrease in the parks budget to fund the ice arena, and he explained the funding sources. Hadcock expressed concern that they were able to find funds for the ice arena and swimming but not for FTEs. Preston requested time to research where the funds came from and said he will outline the information in a memo. Hadcock questioned funds for Information Technology. Preston explained the funds and how they were distributed. The funding for the imaging system and scanner was briefly discussed. Tiensvold explained that the entire amount allocated for the audio visual upgrade was spent on the new system. Responding to Hadcock, Mayor Hanks indicated that the decrease in Mayor and Council Contingency will deplete the contingency fund for 2009. Upon vote being taken on the original motion as amended, motion carried.

The following bills having been audited:

Payroll Paid Ending 12-19-09, Paid 12-24-09	906,775.75
Payroll Paid Ending 12-19-09, Paid 12-24-09	3,044.00
Pioneer Bank, Taxes Paid 12-24-09	206,513.42
Pioneer Bank, Taxes Paid 12-24-09	215.42
First Administrators, claims paid 12-23-09	113,153.53
Computer Bill List	<u>2,193,354.40</u>
Subtotal	\$3,423,056.52
Payroll Paid Ending 12-19-09, Paid 12-24-09	2,984.42
Pioneer Bank, Taxes Paid 12-24-09	221.42
Simpson Printing, newsletter	<u>105.00</u>
Total	\$3,426,277.36

Preston requested to add a payment to the Dahl Arts Center in the amount of \$8,041.66 for management fees. The new bill list total is \$3,434,319.02. Motion was made by Weifenbach, second by LaCroix, to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Responding to Hadcock, Preston indicated that he will include the amount of undesignated cash that was used in the previously discussed memo. Motion carried.

Landeen addressed the Box Elder and Atlantis Water Agreement and indicated that their attorney was requesting an additional 30 days to comply with the contract. Mayor Hanks explained the terms of the agreement that provides water and sewer service to half of the hotel property. Motion was made by Chapman, second by Olson, to acknowledge the Council's extension by 30 days to allow Box Elder to award the contract and commence with construction by January 31, 2010. Landeen confirmed that if they award the bid and start

construction the Council will not have to come back again. It was clarified that the agreement is automatically extended for one year so they will not have to take up this issue again until the end of 2010. Weifenbach pointed out that they have had five years to comply and mentioned the rate increases if they do not comply. It was confirmed that this action does not change the rates and only adds the 30 day extension. Landeen explained that once we know it will be built and services will be there they have an additional year to complete the project. Mayor Hanks said if they do not meet timelines Box Elder and Atlantis will enter into the process of de-annexing the property, and Box Elder would pay liquidated damages in the amount that they have received in property and sales taxes to Atlantis. Atlantis will then annex into the City of Rapid City and forward liquidated damages less the difference in utility rates to the City of Rapid City. Upon vote being taken, the following voted AYE: Kroeger, Hadcock, Waugh, Martinson, Kooiker, Chapman and Olson; NO: Costello, LaCroix and Weifenbach. Motion carried.

As there was no further business to come before Council, the meeting adjourned at 1:17 P.M.

ATTEST:

Finance Office

(SEAL)

CITY OF RAPID CITY

Mayor