Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at City Hall, 300 Sixth Street, in Rapid City, South Dakota on Monday, April 20, 2020, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Greg Strommen, Laura Armstrong, Chad Lewis, Lance Lehmann, John Roberts, Bill Evans and Darla Drew the following Alderpersons arrived during the course of the meeting: None; the following Alderpersons were present by telephone: Becky Drury; and the following were absent: None.

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeen, Police Chief Karl Jegeris, Parks and Recreation Director Jeff Biegler, Public Works Director Dale Tech, IT Director Jim Gilbert, Planner Patsy Horton and Administrative Coordinator Heidi Weaver

ADOPTION OF AGENDA
Motion was made by Armstrong, second by Lehmann to adopt the agenda. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: none. Motion carried.

GENERAL PUBLIC COMMENT (3-minute time limit per speaker)
Doug Langworthy, Tonchi Weaver, Nick Uhre, Cody Wynia and Steve Wynia spoke against the continued closure of businesses regarding COVID-19. Tom Johnson, CEO of Elevate Rapid City, said he understood what council was doing. He offered resources for small businesses that need help.

NON-PUBLIC HEARING ITEMS -- Items 1 – 32
CONSENT ITEMS – Items 1 – 24
The following items were removed from the Consent Items:

17. PW031020-11: Approve Partial Abatement Request for Stormwater Drainage Utility Fee for KTLD CO, LLC, for property located at 1221 Santana Ct., Tax ID 63320, in the amount of $27.47

Motion was made by Lewis, second by Lehmann to approve items 1-24 with the exception of item 17. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: none. Motion carried.

Approve Minutes
1. Approve Minutes for the April 6, 2020 Regular Council meeting.

Tax Increment District Set for Hearing (May 18, 2020)
2. No. 20TI003 - A request by John Gomez for Alta Terra Development for a Resolution to approve TID No. 70 Project Plan Amendment #2 to reallocate project plan costs for property generally described as being located at Catron Boulevard from 5th Street to South U.S. Highway 16, then south along U.S. Highway 16 to Sammis Trail and east to the proposed Hyland Crossing Subdivision.

Alcoholic Beverage License Applications Set for Hearing (May 4, 2020)
3. MG Oil Company DBA Chances Casino 4, 1565 Haines Ave, Suite B-1 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from MG Oil Company DBA Jackpot Casino West, 2144 Jackson Blvd #3
4. MG Oil Company DBA Chances Casino 5, 1565 Haines Ave, Suite B-2 for a Retail (on-off sale) Malt Beverage & SD Farm Wine license TRANSFER from MG Oil Company DBA Jackpot West II, 2144 Jackson Blvd #4

Public Works Committee Consent Items
5. PW033120-01: Authorize Mayor and Finance Officer to sign a contract amendment with Chamberlin Architects for Project No. 2527 / CIP No. 51249 Star of the West Restrooms.
6. PW041420-01: Approve Change Order #1 F for Project No. 2560 / CIP No. 51247 East Main Street North Emergency Bridge Repair with Tru-Form Construction for an increase of $1,543.80.
7. PW041420-02: Approve Change Order #1 F for Project No. 2483 / CIP No. 51184 Park Drive Storm Sewer Repair with BTD Enterprises, LLC for a decrease of $3,659.90.
8. PW041420-03: Approve Change Order #2 for Project No. 2491 / CIP No. 51225 City Hall Renovation with MAC Construction Co. Inc. for an increase of $27,278.29.
9. PW041420-05: Authorize Mayor and Finance Officer to sign a permanent 10’ Electrical Underground Easement for Black Hills Power.
10. PW041420-06: Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Professional Services Agreement between the City of Rapid City and Ferber Engineering Company, Inc. for 12th Street Reconstruction – West Main Street to Fulton Street, Project No.19-2499 / CIP No. 50927, in the amount of $20,170.00.
11. PW041420-07: Authorize Mayor and Finance Officer to sign Amendment No. 2 to the Agreement between the City of Rapid City and Black & Veatch Corporation for Master Planning Professional Services for the Wastewater Utility System Master Plan Update / Model Recalibration, Project No 14-2192 / CIP 50819 for a reduction of fee in the amount of $15,115.00, and an extension of the contract through June 30, 2021.
12. PW041420-09: Approve Request from ACES for a Variance to Waive the Requirement to Install Sidewalk along the west side of N Elk Vale Rd at 2341 N Elk Vale Rd, be waived per City of Rapid City Ordinance 12.08.060.
13. PW041420-10: Authorize staff to submit, and accept if awarded, Transit Grant Application to FTA for CARES ACT funds for operating assistance in the amount of $3,638,543.
14. PW041420-11: Approve Change Order No. 1 to SplashTacular, LLC for PR20-6175 Waterslide Resurfacing to extend original project schedule, if necessary. This Is A No Cost Change Order.
15. PW041420-12: Request Authorization to Seek Proposals for qualified firms to provide a Neutral Host Distributed Antenna System (“DAS”) for the Civic Center Arena. Project No. 2452.
16. PW041420-13: Authorize staff to Advertise for Bids for Civic Center Expansion Project Furniture and Accessories, Project No. 2452, estimated cost of $500,000.

Legal & Finance Committee Consent Items
18. LF041520-05 – Confirm the Reappointment of Michelle Thomson to the Rapid City Regional Airport Board of Directors
19. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Larry Romano (RSVP+), Marie Romano (RSVP+)
20. LF041520-02 – Approve Resolution No. 2020-024 a Resolution Levyng Assessment for Abatement of Nuisances.

RESOLUTION NO. 2020-024
RESOLUTION LEVING ASSESSMENTS FOR ABATEMENT OF NUISANCES

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 condition of your property had constituted a nuisance. The City abated this nuisance.
The cost of the abatement, including administrative costs, is the amount stated in the proposed Assessment Roll for Abatement of Nuisances.

2. The Assessment Roll for Abatement of Nuisances 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 certified as delinquent to the Pennington County Auditor and payable through the Pennington County Treasurer’s Office with the statutory interest rate.

Dated this 20th day of April, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

21. LF041520-03 – Approve Resolution No. 2020-026 a Resolution Declaring Miscellaneous Personal Property Surplus to be Surplused.

Resolution #2020-026
RESOLUTION DECLARING MISCELLANEOUS PERSONAL 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:

From: Police (201)
For Deletion (Total Loss-Insurance):
   2016 FORD EXPLORER    #A173
   VIN# 1FM5K8AR4GGC91854

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 20th day of April, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer

22. LF041520-04 – Approve Resolution No. 2020-027 a Resolution Declaring Miscellaneous Personal Property Surplus to be Traded

Resolution #2020-027
RESOLUTION DECLARING MISCELLANEOUS PERSONAL 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:

From: Streets (401)
For Deletion (Trade):

2009 ISUZU JOHNSTON SWEEPER
VIN# 4GTMF1BX8F700230

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 20th day of April, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer

23. LF041520-06 – Acknowledge March 2020 General Fund Cash Balance Report

Community Development Consent Items

24. LF041520-01 – Approve Community Development Block Grant (CDBG) FY20 Working Against Violence, Inc. (WAVI) to Increase Funding from $18,346 to $60,374.00 for the Windows Project

END OF CONSENT ITEMS

Mayor read in item (PW031020-11) Approve Partial Abatement Request for Stormwater Drainage Utility Fee for KTLD CO, LLC, for property located at 1221 Santana Ct., Tax ID 63320, in the amount of $27.47. Roberts said the applicant contacted him and said he was sick and asked that the item be continued to the May 4, 2020 city council meeting. Motion was made by Roberts, second by Armstrong to continue to the May 4, 2020 city council meeting. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: none. Motion carried.

NON-CONSENT ITEMS – Items 25 – 32

Ordinances

Mayor read in item (No. 20RZ018) First Reading, Ordinance 6408, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by City of Rapid City for a Rezoning request from No Use District to Heavy Industrial District for property generally described as being located at 5400 Old Folsom Road. Motion to approve was made by Roberts, second by Drew and that Ordinance 6408 be placed upon its first reading and the title was fully and distinctly read and second reading set for May 4, 2020. Roll-call vote: those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read in item (No. 20RZ019) First Reading, Ordinance 6409, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Feber Engineering Co, Inc for Black Hills Corporation for a Rezoning request from General Agricultural District to Light Industrial District for property generally described as being located at 2550 Tatanka Road. Motion to approve was made by
Drew, second by Strommen and that Ordinance 6409 be placed upon its first reading and the title was fully and distinctly read and second reading set for May 4, 2020. Roll-call vote: those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read in item (No. 20RZ020) First Reading, Ordinance 6410, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for a Rezoning request from General Agricultural District to Low Density Residential District II for property generally described as being located north of the current terminus Diamond Ridge Boulevard. Motion to approve was made by Roberts, second by Strommen and that Ordinance 6410 be placed upon its first reading and the title was fully and distinctly read and second reading set for May 4, 2020. Roll-call vote: those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Mayor read item (No. 20RZ021) First Reading, Ordinance 6411, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Dream Design International, Inc. for a Rezoning request from General Agricultural District to Medium Density Residential District for property generally described as being located at the eastern terminus of Garden Lane. Motion to approve was made by Lehmann, second by Roberts and that Ordinance 6411 be placed upon its first reading and the title was fully and distinctly read and second reading set for May 4, 2020. Roll-call vote: those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Public Works Committee Items
Mayor read in item (PW041420-04) Authorize Mayor and Finance Officer to sign purchase agreement in the amount of $51,300.00 between the City of Rapid City and Abel A. Harmon, and Authorize the Public Works Director to Accept the Warranty Deed for Lot 3 in Block 5 of Lampert’s Addition to the City of Rapid City, Pennington County, SD, excepting therefrom any highway rights-of-way. In response to a question from Drew, Tech said the purchase was to develop land near wilderness walking trail by Skyline Drive. Motion was made by Roberts, second by Strommen to approve. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: Evans and Drew. Motion carried

Mayor read in item (PW041420-08) Authorize Staff to Advertise for Bids Project No. 2508 / CIP No. 51231 Fitzgerald Stadium Renovation, estimate cost of $4,100,000.00. In response to a question from Nordstrom, Sumption stated the project is being funded by CIP and Vision Funds with BH Sports financing a portion of it. She said there could be a possible delay because of projected revenue shortfalls in 2020 and 2021. However, they would still have enough in reserves to do the project. Motion was made by Drury, second by Nordstrom to approve. Drury believes the council should stick by their word and complete the project on-time. Drew and Evans don’t feel it’s responsible of the city to complete the project right now. In response to a question from Armstrong, Rod Johnson said they started working on this project a year ago with the design phase. They are looking to do a June bid opening to be able to award or reject. He said council can decide at that time if they want to accept a bid or reject them all. Strommen and Roberts both said the project would help employee workers and boost the economy when the project is done. In response to a question from Drury, Landeen said the current ordinance will not let council transfer money from the vision fund to the general fund. Council would have to amend that ordinance if that is an option they want to look at. Drew said she is not opposed to the project just thinks it’s the wrong time. Lewis said the money can’t be transferred to the general fund so they should keep the project moving and keep the Vision Fund commitment. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, and Drury; no: Evans and Drew. Motion carried 7 to 2.
Community Development Items
Mayor read in item (20TP018) Approve the 2020 Unified Planning Work Program Amendment #20-02 and Associated Agreement. Patsy Horton, planner, explained the contracts are being carried over from 2019 to 2020. Motion was made by Roberts, second by Strommen to approve. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: none. Motion carried.

Council Items & Liaison Reports
Mayor read in item (CC042020-03) Resolution 2020-032 Review and Discuss whether to allow the mandatory closures contained in Ordinance 6413 to expire on April 22nd, or whether the closures should be extended for an additional period of time. Roberts would like to see the businesses start opening with guidelines. Drew suggested a task force to come up with ideas on what would be a compromise for the businesses. Motion was made by Lewis, second by Armstrong to keep Ordinance 6413 in effect until Wednesday, May 6, 2020 and discuss this again at the May 4, 2020 city council meeting. Lewis, Armstrong, and Drury all agree that there have not been enough people tested to get an accurate result. Armstrong stated that everyone wants to get back to normal but the council also wants to be cautious. Substitute motion was made by Roberts, second by Lehmann to hold a special council meeting on April 27, 2020 to discuss reopening. Evans indicated that he still feels this is very serious and he doesn’t want to rush reopening every business. Substitute motion by Lewis, second by Strommen to hold special council meeting on Monday, April 27, 2020 and extend Ordinance 6413 to Wednesday, April 29, 2020. Roll-call vote: those voting aye: Strommen, Armstrong, Lewis, Lehmann, Evans and Drew; no: Roberts, Nordstrom, and Drury. Motion carried 6 to 3. **Special note: this resolution was originally published separately on Wednesday, April 22, 2020 and became effective on that date.**

RESOLUTION NO. 2020-032
AN EMERGENCY RESOLUTION IN RESPONSE TO THE CURRENT PUBLIC HEALTH CRISIS EXTENDING THE MANDATORY CLOSURE ORDER CONTAINED IN CITY ORDINANCE.

WHEREAS, The City of Rapid City has adopted an emergency ordinance which orders that certain businesses where people gather for discretionary socializing or entertainment either close, or modify their operations, in order to prevent groups of people from congregating; and

WHEREAS, the order contained in the ordinance is set to automatically expire on April 22, 2020; and

WHEREAS, the ordinance authorizes the City Council to extend this order via a resolution; and

WHEREAS, the current public health crisis caused by the COVID-19 pandemic is ongoing and the recommendations from the CDC and state to engage in social distancing are still in effect; and

WHEREAS, the City Council finds that in order to protect the community’s health, safety, and general welfare it is in the best interests of Rapid City to continue the restrictions contained in the ordinance for an additional period of time.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that the mandatory orders and restrictions contained in Ordinance 6413 if approved, which were set to expire on April 22nd are hereby extended until the 29 day of April, 2020.

Dated this 20th day of April, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor
ATTEST:
s/ Pauline Sumption
Finance Officer

**PUBLIC HEARING ITEMS** – Items 33 – 38

**CONSENT PUBLIC HEARING ITEMS** – Item 33

**Alcohol Licenses**
Mayor read in the item. Approve Fresch, Inc. DBA Joe’s Place Bar & Grill, 4302 Pendleton Drive, for a Retail (on-off sale) Malt Beverage License. Motion was made by Roberts, second by Nordstrom to approve. Roll-call vote: those voting aye: Nordstrom, Roberts, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans and Drew; no: none. Motion carried.

**END OF CONSENT PUBLIC HEARING CALENDAR**

**NON-CONSENT PUBLIC HEARING ITEMS** – Items 34 – 38
Mayor read in item (No. 20RZ013) Second Reading, Ordinance 6403, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Black Hills Habitat for Humanity for a Rezoning request from Office Commercial District to Medium Density Residential District for property generally described as being located at 611 Herman Street. Having passed its first reading on April 6, 2020 motion was made by Drew, second by Lewis to approve in conjunction with the associated Major Amendment to the Planned Development application (File# 20PD005). Upon roll-call vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Evans, Armstrong, Roberts, Drew, Drury and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6403 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ014) Second Reading, Ordinance 6404, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for BFD Development, LLC for a Rezoning request from Neighborhood Commercial District to Low Density Residential District for property generally described as being located at the northern terminus of Haakon Street. Roberts asked to abstain. Having passed its first reading on April 6, 2020 motion was made by Lehmann, second by Lewis to approve. Upon roll-call vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Evans, Armstrong, Roberts, Drew, Drury and Strommen: Abstain: Roberts: NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6404 was declared duly passed upon its second reading. Motion carried 8-0 with Roberts abstaining.

Mayor read in item (No. 20RZ015) Second Reading, Ordinance 6405, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for BFD Development, LLC for a Rezoning request from Office Commercial District to Low Density Residential District for property generally described as being located at the northern terminus of Haakon Street. Roberts asked to abstain. Having passed its first reading on April 6, 2020 motion was made by Lehmann, second by Lewis to approve. Upon roll-call vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Evans, Armstrong, Roberts, Drew, Drury and Strommen: Abstain: Roberts: NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6405 was declared duly passed upon its second reading. Motion carried 8-0 with Roberts abstaining.

Mayor read in item (No. 20RZ016) Second Reading, Ordinance 6406, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by Longbranch Civil Engineering, Inc for BFD Development, LLC for a Rezoning request from Medium Density Residential District to Low Density Residential District for property generally described as being located at the northern terminus of Haakon Street. Roberts asked to abstain. Having passed its first reading on April 6, 2020 motion was made by Lehmann, second by Lewis to approve. Upon roll-call vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Evans, Armstrong, Drew, Drury and Strommen: Abstain: Roberts: NO:
None; Whereupon, the Mayor declared the motion passed and Ordinance 6406 was declared duly passed upon its second reading. Motion carried 8-0 with Roberts abstaining.

Mayor read in item (No. 20OA001) Second Reading, Ordinance 6384, an Ordinance to Add a Pre-Submittal Meeting to the Requirements for Development Engineering Plans by Amending Section 16.08070 of the Rapid City Municipal Code. Having passed its first reading on March 16, 2020 motion was made by Drew, second by Strommen to approve. Upon roll-call vote being taken, the following voted AYE: Lehmann, Nordstrom, Lewis, Evans, Armstrong, Roberts, Drew, Drury and Strommen. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6384 was declared duly passed upon its second reading.

**BILLS**
The following bills have been audited:

**BILL LIST - APRIL 20, 2020**

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Sumption presented the bill list of $6,327,191.75. Motion was made by Nordstrom, second by Strommen and carried to authorize (No. CC042020-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Roll-call vote: those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; no: none. Motion carried.

Evans asked when the council would have video conferencing capabilities. He said many other businesses are using this technology. Gilbert said they are working on it. However, they lack the staff needed to hold the meetings. They are discussing their options.

**ADJOURN**
There being no further business to come before the Council at this time, motion was made by Lewis, second by Armstrong and carried to adjourn the meeting at 8:08 p.m.
Dated this 20th day of April, 2020.

ATTEST:

Finance Officer (SEAL)

CITY OF RAPID CITY

Mayor