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, 2020, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Ritchie Nordstrom, Darla Drew, Laura Armstrong, John Roberts, Greg Strommen, Lance Lehmann, Bill Evans, Becky Drury and Chad Lewis; 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 Joel Landeen, Interim Police Chief Don Hedrick, Interim Fire Chief Jason Culberson, Public Works Director Dale Tech, Community Development Planning Manager Vicki Fisher, Parks and Recreation Director Jeff Biegler, and Administrative Coordinator Heidi Weaver.

OLD BUSINESS

NON-PUBLIC HEARING ITEMS – Items 1 - 5
Holly Soper, President of RV Ministries, gave her speaking time to Jared Tomac, attorney for The RV Ministry. He indicated that the mayoral veto shouldn’t be on old business. He believes it should be handled under new business. He went over the intentions of RV Ministries along with their hours of operation and crossing guard concerns. Eileen Desmond also gave her speaking time to Jared Tomac. He continued to give reasons to allow this conditional use permit.

Cathie Harris, former president of The RV Ministry and the owner of the building, who is operating under James II LLC. She said she is not doing anything underhanded. She wanted the building to allow the organization to serve the homeless. She stated that One Heart isn’t open yet. She only wanted to help be another resource for people struggling with life.

Roberta Harmon, Director of Y-me, Inc. said Cathie Harris is helping homeless people get their lives back. She said Cathie helped her and The RV Ministry is not doing anything disruptive.

Tonya Andreson, owner of Parkway Laundromat, complimented RV Ministries on their effort. She believes this location is very unsafe and the evenings will be even more unsafe with people crossing the busy traffic at night. She spent 30 minutes watching people leave The RV Ministry building and seven people leaving there, crossed traffic and didn’t use the crosswalk. She said it’s a very dangerous location and does not think the CUP should be allowed there.

CONSENT ITEMS – Items 1-3
Approve Minutes
Motion was made by Lewis, second by Armstrong and carried to Approve Minutes for the June 9, 2020 Special Council meeting and the June 15, 2020 Regular Council meeting.

Legal and Finance Committee Consent Items
Motion was made by Lewis, second by Armstrong and carried to (LF070120-12) Approve Rapid City Airport Rates and Charges for FY2020 Revision 1.

NON-CONSENT ITEMS – Items 4 and 5
Public Works Committee Items
Mayor read in (PW063020-24) Appeal by Western Housing Enterprises, LLC of an Exception Request denial to waive the requirement to improve Valley Drive to collector street standards. Mayor indicated the applicant asked that the item be continued to the July 20, 2020 city council meeting. Motion was made by Lewis, second by Lehmann and carried to continue to July 20, 2020.

Staff Items
Mayor read in item (CC070620-03) Presentation of Mayor’s Written Objection and Veto of the Request by Catherine B Harris for a Final Planned Development Overlay to allow a Mission in the General Commercial District for property generally described as being located at 112 East North Street, which the Council approved June 15, 2020. Mayor said he took an in depth look at this item and there are many concerns about public safety. There is a lot of foot traffic near the railroad tracks and East North Street. He didn’t think the conditions were clear when the original vote was taken. He asked for the veto out for the common good of Rapid City. In response to a question from Drew, Tomac said The RV Ministry would do everything to comply with the CUP and if the city wanted to have it reviewed in three, six or nine months, they would comply. He indicated there would be a crossing guard when they were open. Hedrick indicated there have been problems with warming shelters in the past. He stated that some concerns are people bringing alcohol in and the men and woman not having separate places to stay. Motion was made by Roberts, second by Lewis to uphold the mayor’s veto. In response to a question from council, Landeen said the mayor rarely asks for a veto, but has the right to do so under old business since the council who is voting now, has already heard the item and were responsible for the first vote. In response to a question from Drew, Fisher said there is no probationary period for them to re-apply as long as they pay the application fee again. Motion carried 9-0 to uphold the mayor’s veto.

PUBLIC HEARING ITEMS - Items 6-11
CONSENT PUBLIC HEARING ITEMS - Items 6-8

Alcohol Licenses
6. MG Oil Company DBA The Park, 707 Mountain View Rd for a Retail (on-sale) Liquor license TRANSFER from MG Oil Company DBA Clock Tower Lounge, 2525 W Main St
7. MG Oil Company DBA The Park 3, 707 Mountain View Rd, Suite C for a Retail (on-sale) Liquor license TRANSFER from MG Oil Company DBA Uncle Sam’s South, 2110 Jackson Blvd
8. MG Oil Company DBA The Park 2, 707 Mountain View Rd Suite B for a Retail (on-sale) Liquor license TRANSFER from MG Oil Company DBA Jokers Casino South III, 1320 Mount Rushmore Road Suite B

Motion was made by Roberts, second by Lehmann to approve items 6-8. Motion carried 9-0.

NON-CONSENT PUBLIC HEARING ITEMS – Items 9 - 11
Mayor read in item (20OA002) Second Reading of Ordinance No. 6428 an Ordinance to Clarify the Retail Sales Component for Microbreweries as Conditional Uses in the Light Industrial District by amending Section 17.22.030N of the Rapid City Municipal Code. Motion was made by Drury, second by Roberts that the title be read the second time. Upon vote being take the following voted AYE: Drew, Armstrong, Nordstrom, Strommen, Lewis, Evans, Lehmann, Drury and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6428 was declared duly passed upon its second reading.

Mayor read in item (No. 20RZ030) Second Reading, Ordinance 6422, 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 Office Commercial District to Medium Density Residential District for property generally described as being located north of the intersection of East Stumer Road and Shelby Avenue. Motion was made by Lehmann, second by Roberts that the title be read the second time. Upon vote being take the following voted AYE: Drew, Armstrong, Nordstrom, Strommen, Lewis, Evans, Lehmann, Drury and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6422 was declared duly passed upon its second reading.
No. 20RZ032 – Second Reading, Ordinance 6427, 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 Office Commercial District to High Density Residential District for, generally described as being located at 726 South Street. Motion was made by Lewis, second by Roberts that the title be read the second time. Upon vote being take the following voted AYE: Drew, Armstrong, Nordstrom, Strommen, Lewis, Evans, Lehmann, Drury and Roberts. NO: None: whereupon the Mayor declared the motion passed and Ordinance 6427 was declared duly passed upon its second reading.

END OF “OLD BUSINESS” PUBLIC HEARING CALENDAR

RECOGNIZE OUTGOING COUNCIL MEMBERS
Mayor Allender recognized Chad Lewis and Becky Drury for their service to the citizens of Rapid City during their time on the council.

RECESS TO SWEAR IN NEWLY ELECTED COUNCIL MEMBERS
Mayor called the meeting to recess at 7:19 p.m. At this time the Oath of Office was administered by Sumption to Ward Council Members Patrick Jones, Ritchie Nordstrom, Jason Salamun, John Roberts and Laura Armstrong.

RECONVENE
Mayor Allender reconvened the meeting at 7:29 p.m. with the following members present: Bill Evans, Greg Strommen, Lance Lehmann, Darla Drew, Ritchie Nordstrom, Jason Salamun, Patrick Jones, John Roberts and Laura Armstrong.

ELECTION OF OFFICERS
Mayor Allender opened the floor for nominations for Council President. Motion was made by Salamun, second by Roberts to nominate Laura Armstrong for Council President. Motion was made by Jones, second by Strommen to cease nominations. Mayor named Armstrong Council President by default.

Mayor Allender opened the floor for nominations for Council Vice-President. Motion was made by Roberts, second by Strommen to nominate Lance Lehmann as Council Vice-President. Motion was made by Roberts, second by Strommen to cease nominations. Mayor named Lehmann Council Vice-President by default.

PRESENTATION
Mayor read in item (CC070620-04) Rapid City Transmission Line Rebuild Project. Marc Eyre, Vice President of Operations for Black Hills Energy presented the information to the council. He said the project is around eight miles long and will be broken into two phases. He indicated that safety is their top priority. In response to a question from Strommen, Eyre said the line rebuild is from the west service station off of Deadwood Avenue to the south substation off of Catron Blvd. He indicated these lines were built in the 1960’s and everything needs replaced. Mayor thanked Eyre for his presentation.

ADOPTION OF THE AGENDA
Motion was made by Armstrong, second by Nordstrom and carried to adopt the agenda.

GENERAL PUBLIC COMMENT (3-minute time limit per speaker)
Drew Wishon, spoke on behalf of the Black Hills Community for Action Initiate. He said this group protests almost every Monday, Wednesday and Friday. He is concerned about the Rapid City Police Department. He said they should be wearing masks in order to protect citizens from COVID. He stated the officers have refused to provide badge numbers. He said the police are refusing to step and help. He
wants all officers to wear body cams. This way the officers will remain in control without being condescending and disrespectful.

Mary Hahn spoke on behalf of the Black Hills Community Action Initiative as well. She thinks the police department budget should be cut. She said masks are not being worn by PD. She stated it was unsafe to live in Rapid City.

Andrew Huot, stated he was arrested during the protest against the police on July 3 in Keystone. He said the police had shields and batons that were used against people. He was one of twelve person arrested during the protest. He said it started as a peaceful protest on July 3, then the police officers made it violent. He is denouncing violence and wants the charges against the protestors dropped.

NON-PUBLIC HEARING ITEMS -- Items 17 – 71

CONSENT ITEMS – Items 17 – 64

The following items were removed from the Consent Items:

47. LF070120-03 – Confirm the Appointment of Kelly Arguello to the Planning Commission to Fill the Unexpired Term Vacated by Galen Hoogestraat and Confirm the Appointment of Haven Stuck to the Planning Commission to Fill the Unexpired Three-Mile Representative Term Vacated by Kelly Arguello

53. LF070120-10 – Approve Resolution No. 2020-059 A Resolution Authorizing the Execution of Contractual Documents with the State of South Dakota for the Receipt of CARES Act Funds to Address the COVID-19 Public Health Crisis

55. 20TP022: Acknowledge the Sixth and Omaha Crossing Feasibility Study - Draft Report

Motion was made by Armstrong, second by Strommen and carried to approve items 17-64 with the exception of items 47, 53 and 55.

Alcoholic Beverage License Applications Set for Hearing (July 20, 2020)

17. Naja Shriners for a SPECIAL EVENT On-Sale Dealer License for an event scheduled for July 25, 2020 at Naja Shrine Center, 4091 Sturgis Road

18. City of Rapid City DBA Rushmore Plaza Civic Center, 444 Mt. Rushmore Rd, for a Retail (on-off sale) Malt Beverage & SD Farm Wine license

19. Spiker Management DBA LaVida, 1001 E North Street for a Retail (on-off sale) Wine and Cider license TRANSFER from Fiesta Tequila Mexican Restaurant LLC DBA Fiesta Tequila Mexican Restaurant, 1001 E North Street

Public Works Committee Consent Items

20. PW063020-01: Approve change order 4F to R.C.S. Construction, Inc. for Willow Ave, Ivy Ave, Fairlane Dr. Street and Utility Reconstruction, Project #2254/CIP NO.50421.3-1 C for a decrease of $70,302.76.

21. PW063020-02: Approve change order 1 F to Lind-Exco, Inc. for Tower Court Storm Sewer Outfall Stabilization, Project #2455/CIP NO.51203 for a decrease of $106,283.65.

22. PW063020-03: Approve change order 1 F to Simon Contractors of SD, Inc. for 2019 Roadway Paving Project, Project #2466/CIP NO.50297 for a decrease of $3,762.81.

23. PW063020-04: Approve change order 1 F to Western Construction for Pavement Rehabilitation Project Fountain Plaza Drive and Rand Rd, Project #2471/CIP NO.50549 for a decrease of $20,843.61.

24. PW063020-05: Approve change order 1 F to Ainsworth Benning for West Main and Jackson Blvd Panel Repair Project, Project #2513/CIP NO.50445 for an increase of $10,184.54.
25. PW063020-06: Approve change order 1 F to BTD Enterprises, LLC. for Clifton Street Sidewalk Improvements, Project #2528/CIP NO.50716.3 for a decrease of $8.00.
26. PW063020-07: Approve change order 1 to Simon Contractors of SD, Inc. for Pavement Rehabilitation Project Grand Vista Ct to Kepp Ct, Project #2547/CIP NO.50549 to extend the contract completion date to July 31, 2021. This is no cost change order.
27. PW063020-08: Approve change order 1 to J.V. Bailey CO., Inc. for Sheridan Lake Rd Panel Repair Project, Project #2556/CIP NO.50445 for an increase of $18,582.54.
28. PW063020-09: Authorize Staff to Advertise Bids for Gill Ave Sewer Reconstruction Project, Project No. 20-2584/CIP No. 51294. Estimated Cost $300,000.00
29. PW063020-10: Authorize Staff to Advertise Bids Project No. 20-2597 / CIP No. 50098 PETT Bldg Roof Replacement
30. PW063020-11: Approve Correction to Award Recommendation for Sheridan Lake Rd. Panel Repair Project, Project No. 19-2556 \ CIP No. 50445, awarded at the May 18, 2020 Council Meeting, to the lowest responsible bidder J.V. Bailey Co. Inc., in the amount of $360,101.80. The funding source originally identified was incorrect.
31. PW063020-12: Authorize Mayor and Finance Office to Sign Amendment No. 2 to the Agreement between the City of Rapid City and Advanced Engineering and Environmental Services, Inc. (AE2S) for Professional Engineering Services for Analysis of Federal Emergency Management Agency (FEMA) Special Flood Hazard Area (SFHA) Meade/Hawthorne Drainage Basin, Project Number 18-2458, CIP 51190 in the amount of $18,097.00.
32. PW063020-13: Authorize Mayor and Finance Office to Sign an Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Meade Hawthorne Drainage Basin Improvements, Detention Ponds 224 and 225, Project No. 2596/ CIP No. 51296, for an Amount not to Exceed $29,620.00.
33. PW063020-14: Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and Renner Associates, LLC for Alta Vista Drive Storm Sewer Improvement Project, Project No.20-2595 / CIP No. 51300, for an Amount not to Exceed $26,501.00.
34. PW063020-15: Authorize Mayor and Finance Officer to Sign Professional Services Agreement between the City of Rapid City and Longbranch Civil Engineering, Inc. for Meade Hawthorne Drainage Basin Improvements, Detention Ponds 224 and 225, Project No. 2596/ CIP No. 51296, for an Amount not to Exceed $29,620.00.
35. PW063020-16: Approve Request from William & Jill Blickensderfer (the property owners) for a Variance to Waive the Requirement to Install Sidewalk, per City Ordinance 12.08.060, along Harter Drive which is the east frontage of their property located at 2404 Canyon Lake Drive.
36. PW063020-17: Approve Request to Purchase one (1) Exprolink Madvac for the Solid Waste Division from Sourcewell Contract 12201-EXP for a cost of $18,010.00
37. PW063020-18: Approve Request to Purchase one (1) Concover Hydroseeder for the Solid Waste Division to cover MSW and for use in erosion control from SourceWell contract 052417-FINN for a cost of $75,600.75.
38. PW063020-19: Request authorization for Mayor and Finance Officer to sign Amendment One to agreement with HDR Engineering for Water Reclamation Facility (WRF) Arc Flash Analysis, Project No. 17-2404 / CIP No. 51180. This is a no cost amendment.
39. PW063020-20: Authorize Mayor and Finance Officer to Sign Service Agreement with Midco Diving and Marine Services for reservoir cleaning for seven of seventeen reservoirs. Estimated Cost: $22,093.00
40. PW063020-21: Authorize Mayor and Finance Officer to sign a Professional Services Agreement with HDR Engineering, Inc. for the Water Risk and Resilience Assessment; Project No. 20-2575; CIP No. 51269. Estimated Cost: $69,200.00
41. PW063020-22: Approve Change Order No. 2F to Corr Construction for Parks and Recreation Bridge Improvements Project No. PR18-2406 for a decrease of $2,618.50.
43. PW063020-23: Authorize the Mayor and Finance Officer to sign a covenant agreement between the City of Rapid City and JD Muth Investments, LLC allowing connection to the City water system with a non-conforming service line.

44. PW063020-25: Authorize the Mayor and Finance Officer to sign a covenant agreement between the City of Rapid City and DOEK LLC for identification of ownership and maintenance of drainage lot.

Legal & Finance Committee Consent Items

45. No. 20AN002 – Approve Resolution 2020-039 A request by Cross Country Real Estate LLC for a Petition of De-Annexation for property generally described as being located northeast of the intersection of Jolly Lane and E. Highway 44.

Resolution No. 2020-039

A RESOLUTION EXCLUDING THE WITHIN DESCRIBED TERRITORY

WHEREAS, a petition has been filed with the City, that was signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths of the value of the territory sought to be excluded from the City; and

WHEREAS, the territory that the petitioners are seeking to have excluded is on the border of the City of Rapid City and,

WHEREAS the City Council of the City of Rapid City deems it to be in the best interest of the City that the territory described in the petition be excluded and thereby removed from the corporate limits of the City.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City that the following territory, containing 1.35 acres, more or less, is hereby removed from the corporate limits of the City and excluded from the City:

A portion of the NW¼ of the SW¼ of Section 10, T1N, R8E, BHM, Pennington County, South Dakota more fully described as follows: Commencing at the Section ¼ Corner common to Sections 9 and 10, T1N, R8E, BHM, thence, S00°05'57"W, along the section line common to said Sections 9 and 10, a distance of 169.01 feet, thence, S89°54'03"E, a distance of 33.00 feet to a point on the easterly edge of Jolly Lane right-of-way, and the point of beginning; Thence, first course: S51°11'21"E, a distance of 388.65 feet; Thence, second course: S38°48'39"W, a distance of 190.00 feet, to a point on the northerly edge of E. Highway 44 right-of-way; Thence, third course: N51°11'21"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 190.24 feet; Thence, fourth course: N30°37'50"W, along the northerly edge of said E. Highway 44 right-of-way, a distance of 70.45 feet, to the easterly edge of said Jolly Lane right-of-way; Thence, fifth course: N00°05’57"E, along the easterly edge of said Jolly Lane right-of-way, a distance of 211.79 feet, to a point the point of beginning.

Dated this 6th day of July, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:

s/ Pauline Sumption
Finance Officer
(SEAL)
46. LF070120-07 – Approve Resolution No. 2020-058 a Resolution Declaring Surplus Property and Appointing Three Real Property Owners to Appraise the Property at 248 Curtis Street

Resolution No. 2020-058
A RESOLUTION DECLARING THE S78.5’ OF THE W98.5’ LESS LOT H-1 OF BLOCK 31 OF AIRPORT ADDITION TO THE CITY OF RAPID CITY SURPLUS AND APPOINTING THREE REAL PROPERTY OWNERS OF THE CITY OF RAPID CITY TO APPRAISE THE PROPERTY

WHEREAS, the property described below was donated to the City of Rapid City by Pennington County pursuant to a deed dated June 20, 2017 and filed in the Office of the Pennington County Register of Deeds on June 23, 2017; and

WHEREAS, the property described below contained a vacant, severely dilapidated house that was demolished by the City of Rapid City in early 2018 in order to remove blight in the City; and

WHEREAS, the City has created the Neighborhood Lift Program in order to transfer property acquired by the City, such as the property described below, to a nonprofit corporation to develop the property and guarantee affordability for a period of 20 years in accordance with certain affordable housing standards; and

WHEREAS, the property is no longer necessary, useful, or suitable for the purpose for which it was acquired.

NOW, THEREFORE, BE IT RESOLVED, that the following property commonly known as 248 Curtis Street and legally described below is declared surplus and shall be disposed of according to state statutes:

South Seventy-Eight and Five Tenths Feet (S78.5’) of the West Ninety-eight and Five Tenths Feet (W98.5’) less Lot H-1 of Block Thirty-one (31) of Airport Addition to the City of Rapid City, Pennington County, South Dakota

BE IT FURTHER RESOLVED that the following three real property owners of the City of Rapid City are hereby appointed to appraise the property: Ritchie Nordstrom, Gregory Strommen, and Clifford Lemme.

Dated this 6th day of July, 2020.

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
(SEAL)

48. LF070120-01 – Authorize Staff to Apply for and Accept if Awarded the Western States Fire Managers Wildfire Mitigation Grant

49. LF070120-04 – Authorize the Mayor and Finance Officer to Sign MAP Agreement and the RC Approved Addendum Agreement Between Marco Technology and the Rapid City Fire Department for print/copy/scan/fax Machine Maintenance for Fire Stations 1, 2, 3, 4, 5, 6, and 7

50. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Danielle HighBear (Parks and Recreation), Ashley Vincent (Parks and Recreation), Lynne Enochson (Parks and Recreation), Vince Barun (Parks and Recreation), Mary Benz (Parks and Recreation), Kris Norlin (Parks and Recreation), Jan Gustin (Parks and Recreation), Don gustin (Parks and Recreation),
Tamara Pier (Parks and Recreation), Pat Roseland (Parks and Recreation), Ryan Burke (Parks and Recreation), Laura Armstrong (Parks and Recreation), Becky Drury (Parks and Recreation), Jeanette Hurlor (Parks and Recreation), Priscilla Bade (Parks and Recreation), David Holland (Parks and Recreation), Rebecca Holland (Parks and Recreation), Tami Applegarth (RSVP+), Judy Adam (RSVP+), Mieko Bluhm (RSVP+), Thomas Bluhm (RSVP+), Patty Golz (RSVP+), Esther Lux (RSVP+), Donna McLoughlin (RSVP+), Mary Mead (RSVP+), Michelle Morin (RSVP+), Donna Page (RSVP+), Jay Pearson (RSVP+), Sian Young (RSVP+)

51. LF070120-02 – Acknowledge May 2020 General Fund Cash Balance Report
52. LF070120-05 – Authorize the Mayor and Finance Officer to Sign Life Safety Loan Agreement with Tom L. Odom, Jr., Vicki Odom and Joseph Graziano

**Community Development Consent Items**

54. 20TP021: Acknowledge the 2021-2024 Transportation Improvement Program - Draft Report
56. 20TP023: Acknowledge the Metropolitan Transportation Plan and Bicycle and Pedestrian Master Plan Update - Draft Report
57. LF070120-11 – Authorize the Mayor and Finance Officer to Sign the FY20 Community Development Block grant Contract for Rural America Initiatives, Inc., and the Indenture of Restrictive Covenants
58. LF070120-06 – Authorize the Mayor and Finance Office to Sign the FY19 Community Development Block Grant Amended Contract for Behavior Management Systems, Inc.
59. LF052720-02 – Authorize the Mayor and Finance Officer to Sign the FY20 Community Development Block Grant (CDBG) Contract for Behavior Management Systems, Inc. that was Continued from the May 27, 2020 Legal and Finance Meeting
60. LF070120-08 – Authorize the Mayor and Finance Office to Sign the FY20 Community Development Block Grant/Neighborhood Lift Contract for Black Hills Works, Inc., and Indenture of Restrictive Covenants, Quit Claim Deed, Mortgage, Promissory Note and Associated Documents
61. LF070120-09 – Approve the Preliminary FY19 Consolidated Annual Performance and Evaluation Report (CAPER)

**Bid Award Consent Items**

62. CC070620-02.1 – Approve award of total bid for Forest Hills Dr. & Clark St. Inlay Project, Project No. 19-2555 / CIP No. 50549 opened on June 30, 2020 to the lowest responsible bidder, J & J Asphalt in the amount of $195,863.10.
63. CC070620-02.2 – Approve award of total bid for 5th Street Panel Repair Project, Project No. 19-2533 / CIP No. 50445 opened on June 30, 2020 to the lowest responsible bidder, J.V. Bailey Co. Inc. in the amount of $226,350.50.
64. CC070620-02.3 – Approve award of total bid for Pavement Rehabilitation Project Tower Road, Project No. 20-2587 / CIP No. 50798 opened on June 30, 2020 to the lowest responsible bidder, Tru-Form Construction, Inc. in the amount of $358,997.25.

END OF CONSENT ITEMS

Mayor read in item (LF070120-03) Confirm the Appointment of Kelly Arguello to the Planning Commission to Fill the Unexpired Term Vacated by Galen Hoogestraat and Confirm the Appointment of Haven Stuck to the Planning Commission to Fill the Unexpired Three-Mile Representative Term Vacated by Kelly Arguello. In response to a question from Drew, Karen Bulman, Planning Commissioner explained the new appointments. In response to a question from Pat Jones, Bulman said they advertise for citizens to apply through the website and press releases. Motion was made by Nordstrom, second by Armstrong and carried to approve.

Mayor read in item (LF070120-10) Approve Resolution No. 2020-059 A Resolution Authorizing the Execution of Contractual Documents with the State of South Dakota for the Receipt of CARES Act Funds
to Address the COVID-19 Public Health Crisis. Drew spoke in favor of this resolution. She asked the mayor to read the resolution into the minutes. Sumption stated that the resolution becomes part of the minutes. She still wanted to the Mayor to read the resolution into the minutes. Motion was made by Nordstrom, second by Armstrong to approve. Mayor read the resolution into the minutes. Nordstrom said there is a complexity to this issue. He applauds staff for working on it. Motion carried 9-0.

City of Rapid City Resolution Number 2020-059
A RESOLUTION AUTHORIZING THE EXECUTION OF CONTRACTUAL DOCUMENTS WITH THE STATE OF SOUTH DAKOTA FOR THE RECEIPT OF CARES ACT FUNDS TO ADDRESS THE COVID-19 PUBLIC HEALTH CRISIS

WHEREAS, pursuant to section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020) (the “CARES Act”), the State of South Dakota has received federal funds that may only be used to cover costs that: (a) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (b) were not accounted for in the budget most recently approved as of March 27, 2020, for the State of South Dakota; and (c) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

WHEREAS, the City of Rapid City acknowledges that the State of South Dakota, in its sole discretion, may retain full use of these funds for the purposes delineated in the CARES Act; and

WHEREAS, the City of Rapid City acknowledges that in order to provide financial assistance to counties and municipalities in South Dakota, the State of South Dakota, in its sole discretion, may allocate CARES Act funds Act on a statewide basis to reimburse counties and municipalities as delineated herein; and

WHEREAS, the City of Rapid City seeks funding to reimburse eligible expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the City of Rapid City acknowledges that any request for reimbursement of expenditures will only be for expenditures that were not accounted for in the budget for the City of Rapid City most recently approved as of March 27, 2020; and

WHEREAS, the City of Rapid City acknowledges that it will only seek reimbursement for costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Rapid City that the Mayor and Finance Officer may execute any and all documents as required by the State in order to receive CARES Act funds.

IT IS FURTHER RESOLVED that any request for reimbursement will be only for those costs authorized by the State that: (1) Are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) Were not accounted for in the City budget most recently approved as of March 27, 2020; and (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

IT IS FURTHER RESOLVED that the City will not request reimbursement from the State under the CARES Act for costs for which the City previously received reimbursement or for which the City has a reimbursement request pending before another source.

Dated this 6th day of July, 2020.
Mayor read in item (20TP022) Acknowledge the Sixth and Omaha Crossing Feasibility Study - Draft Report. Motion was made by Salamun, second by Nordstrom to acknowledge the draft report. Salamun asked Harrington to explain where we were at on this. Harrington said engineering is reviewing the funding. There are many factors including the state highway department and the department of transportation. The city wants to proceed with the most reasonable cost. Harrington spoke about the build grant that was mentioned by Nordstrom. He said the city is a strong candidate for funding to take care of the cost. In response to a question from Jones, Harrington said all the supporting documents are linked online. Harrington stated a few of the options regarding the crossing are a tunnel under or over the street or a hybrid system. Nothing has been started; this is just a feasibility study. Harrington said information could be found at www.sixthstreetstudy.com and on the City of Rapid City website. Motion carried 9-0.

**NON-CONSENT ITEMS – Items 65 – 71**

**Ordinances**

Mayor read in item (No. 20RZ031) First Reading of Ordinance 6426, an Ordinance Amending Section 17.06 of Chapter 17 of the Rapid City Municipal Code, a request by KTM Design Solutions, Inc. for BH Capital 4, LLC for a Rezoning request from General Agricultural District to Light Industrial District for property generally described as being located southeast of the intersection of N. Creek Drive and Eglin Street. Motion to approve was made by Drew, second by Salamun that Ordinance 6426 be placed upon its first reading and the title was fully and distinctly read and second reading set for July 20, 2020. Those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; NO: none. Motion carried.

Mayor read in item (20OA003) First Reading of Ordinance No. 6423 an Ordinance Amendment to Recodify Establishment and Organization of the Historic Preservation Commission by Removing Section 17.54.010E and Adding Chapter 2.62 to the Rapid City Municipal Code. Motion to approve was made by Nordstrom, second by Nordstrom that Ordinance 6423 be placed upon its first reading and the title was fully and distinctly read and second reading set for July 20, 2020. Those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; NO: none. Motion carried.

Mayor read in item (20OA004) First Reading of Ordinance No. 6434 an Ordinance Amendment to Revise the Requirement for a Planned Development Overlay by Amending Section 17.50.050 of the Rapid City Municipal Code. Motion to approve was made by Drew, second by Lehmann that Ordinance 6434 be placed upon its first reading and the title was fully and distinctly read and second reading set for July 20, 2020. Those voting aye: Nordstrom, Strommen, Armstrong, Lewis, Lehmann, Drury, Evans, Roberts and Drew; NO: none. Motion carried.

**Community Development Items**

Mayor read in item (No. 20PL017) A request by Dream Design International, Inc. for Yasmeen Dream 111, LLC for a Preliminary Subdivision Plan for proposed Lots 24 thru 62 of Block 2, Lots 3 thru 7 of Block 5, and Lot 1 of Block 6 of Shepherd Hills Subdivision, generally described as being located east of the current terminus of Philadelphia Street. Motion was made by Salamun, second by Roberts and carried to approve with the following stipulations: 1. Prior to submittal of a Development Engineering Plan application, an Exception shall be obtained to allow 89 dwelling units with one point of access or the plat document shall be revised to provide a second street connection; 2. Prior to approval of the Development
Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 3. Upon submittal of a Development Engineering Plan application, construction plans for Solomon Court and Aarron Court, local streets, shall be submitted for review and approval showing the streets located in a minimum 52-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb at the northern terminus of each street located in a minimum 118-foot diameter right-of-way and constructed with a minimum 96-foot diameter pavement or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 4. Upon submittal of a Development Engineering Plan application, construction plans for E. Philadelphia Street, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way with a minimum 34-foot wide paved surface and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 5. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, prior to approval of a Development Engineering Plan application, the conversion of the existing low level 12-inch water main to the North Rapid Pressure Zone shall be completed. An Exception shall also be obtained to allow a dead-end water main or the plans shall be revised to provide looping of the North Rapid system in compliance with the Infrastructure Design Criteria Manual. Easements shall also be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed; 7. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. The drainage report shall address storm water quantity control and storm water quality treatment. In addition, easements and conveyances shall be secured from this area to the proposed pond shown from Phase 1B or any other proposed off-site drainage system(s); 8. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval for the required subdivision improvements; 9. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 11. Prior to submittal of a Final Plat application, a Final Plat for the adjacent phase (Phase 1A) of the development shall be recorded securing access to the subject property or this portion of the E. Philadelphia Street right-of-way shall be included in the Final Plat application for the subject property; 12. Prior to submittal of a Final Plat application, Rezone 20RZ023 to change the zoning designation on a portion of the property from General Agriculture District to Low Density Residential District II shall be approved by City Council; 13. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 14. 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, 15. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor read in item (No. 20PL033) A request by KTM Design Solutions, Inc. for Yasmeen Dream LLC for a Preliminary Subdivision Plan for Lot K and Lot A1 of North Valley Park Subdivision, generally described as being located southeast of the intersection of N. Creek Drive and Eglin Street. Motion was made by Nordstrom, second by Strommen and carried to approve with the following stipulations: 1. Prior to approval of the Development Engineering Plan application, engineering reports required for construction approval shall be accepted and agreements required for construction approval shall be executed pursuant to Chapter 1.15 of the Infrastructure Design Criteria Manual. In addition, permits required for construction shall be approved and issued and construction plans shall be accepted in accordance with the Infrastructure Design Criteria Manual. All final engineering reports shall be signed and sealed by a Professional Engineer and contain a Certification Statement of Conformance with City Standards, as required by the Infrastructure Design Criteria Manual; 2. Upon submittal of a Development Engineering Plan application, construction plans for North Valley Drive, a collector street, shall be submitted for review and approval showing the street located in a minimum 68-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual or shall meet criteria for obtaining an Exception or Variance (sidewalk). A minimum 32-foot pavement width is required adjacent to commercial and/or industrial properties. The pavement width shall widen to 34 feet at the southern limits of the project adjacent to residential uses to allow on-street parking. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 3. Upon submittal of a Development Engineering Plan application, the Traffic Impact Study shall be updated to address the proposed changes in land use; 4. Upon submittal of a Development Engineering Plan application, water plans and analysis prepared by a Registered Professional Engineer shall be submitted for review and approval in accordance with the Infrastructure Design Criteria Manual. The design report shall demonstrate that the water service is adequate to meet estimated domestic flows and required fire flows to support the proposed development. In addition, an Exception shall be obtained to allow a dead-end main or the plans shall be revised to provide looping of the North Rapid system in compliance with the Infrastructure Design Criteria Manual. Easements shall also be provided as needed; 5. Upon submittal of a Development Engineering Plan application, a sewer design report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual shall be submitted for review and approval. The design report shall demonstrate that the sanitary sewer capacity is adequate to meet estimated flows and provide sufficient system capacity in conformance with the Infrastructure Design Criteria Manual. In addition, easements shall be provided as needed; 6. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for the proposed subdivision improvements. Major drainage easements and conveyances shall also be required to allow upstream future lots northeast of N. Valley Drive to drain to Pond S819; 7. Upon submittal of a Development Engineering Plan application, an Erosion and Sediment Control Plan in compliance with the adopted Stormwater Quality Manual and the Infrastructure Design Criteria Manual shall be submitted for review and approval for the required subdivision improvements; 8. Upon submittal of a Development Engineering Plan application, a geotechnical report shall be submitted for review and approval. The report shall specifically address the roadway embankment requirements with the significant fill associated with the roadway profile; 9. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 10. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 11. Prior to submittal of a Final Plat application, requests for oversize costs shall be approved by the City Council; 12. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, Major Drainage Easements shall be dedicated for the proposed drainage improvements; 13. 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, 14. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor read in item (No. 20PL040) A request by Ferber Engineering Co., Inc. for Wayne Hellman for a Preliminary Subdivision Plan for proposed Lots 1 and 2 of Cabot Subdivision, generally described as being located north of the Cabot Road terminus. Motion was made by Drew, second by Jones and carried to approve with the following stipulations: 1. Upon submittal of a Development Engineering Plan application, construction plans for Cabot Hill Road shall be submitted for review and approval. In particular, the construction plans shall show a turnaround at the end of Cabot Hill Road (County Section). In addition, that portion of Cabot Hill Road located on the subject property (private section) shall be widened and turnarounds provided every 600 feet pursuant to the Infrastructure Design Criteria Manual or an Exception shall be obtained. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application; 2. Upon submittal of a Development Engineering Plan application, construction plans shall be submitted showing the construction of a sidewalk along Cabot Hill Road, both County and private sections, or a Variance from the City Council shall be obtained to waive the requirement; 3. Upon submittal of a Development Engineering Plan application, a drainage plan and report prepared by a Registered Professional Engineer as per the Infrastructure Design Criteria Manual and the Rapid City Municipal Code shall be submitted for review and approval for all infrastructure elements per Section 1.15 of the Infrastructure Design Criteria Manual. In particular, the drainage report shall address ditch/culvert sizing of the private road widening and detention requirements. In addition, easements shall be provided as needed; 4. Upon submittal of a Development Engineering Plan application, a cost estimate for the required subdivision improvements shall be submitted for review and approval; 5. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all required improvements; 6. Prior to submittal of a Final Plat application, the property shall be annexed into the City limits of Rapid City or an Exception shall be obtained to waive the requirement. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan application. If the property is annexed into the City, all roadway and utility improvements shall be required per the Infrastructure Design Criteria Manual; 7. Prior to submittal of a Final Plat application, the applicant shall enter into a Wild Fire Mitigation Plan for the property; 8. Prior to submittal of a Final Plat application, the property shall be rezoned with Pennington County to support the proposed lot size(s) or a Variance shall be obtained from Pennington County to reduce the required lot size requirement in the General Agriculture District; 9. Prior to submittal of a Final Plat application, the plat document shall be revised to show the existing overhead electric line within a utility easement as required by Black Hills Energy; 10. Upon submittal of a Final Plat application, an agreement shall be submitted for recording securing ownership and maintenance of any proposed drainage elements. In addition, easements shall be dedicated as needed; 11. Upon submittal of a Final Plat application, a road maintenance agreement shall be submitted for recording; 12. Upon submittal of a Final Plat application, a Covenant Agreement shall be entered into with the City to ensure that fire suppression systems are installed in any new residential structures. The system design and installation shall meet the system requirements of NFPA 13, 13R and 13D, as applicable; 13. 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, 14. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Bid Awards
Mayor read in item (CC070620-02.4) Approve award of total bid for Rushmore Plaza Furniture and Furnishings Bid Package 1, 2, 3, 4, 5, and 6 for Rushmore Plaza Civic Center Expansion, Project No. 2452 June 9, 2020 to the lowest responsive bidder, Canfield Business Interiors in the amount of $374,910.71. Motion was made by Drew, second by Evans to approve. In response to a question from Roberts, Sumption stated this bid was part of the $130 million dollar package from the Vision Funds.
response to a question from Jones, Landeen said Canfield Business is based out of Sioux Falls but they do have an office in Rapid City. Motion carried 9-0.

**PUBLIC HEARING ITEMS** – (*Presented under old business*)
**CONSENT PUBLIC HEARING ITEMS** – (*Presented under old business*)

END OF CONSENT PUBLIC HEARING CALENDAR

**NON-CONSENT PUBLIC HEARING ITEMS** – (*Presented under old business*)

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

**BILL LIST - JULY 6, 2020**

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US BANK, CREDIT CARD CHARGES, PD 07/01/20                           11,710.18
BANK WEST, TID47 TOWER RD, PD 06/23/20                              57,879.99
BANK WEST, TID54 RAINBOW RIDGE, PD 06/23/20                        26,028.56
BANK WEST, TID56 RUSHMORE CROSSING, PD 06/23/20                   100,101.48
BANK WEST, TID65 MINNESOTA ST, PD 06/23/20                         8,563.61
BANK WEST, TID70 CATRON BLVD, PD 06/23/20                         5,213.09
CITY OF RAPID CITY, TID64 CABELA'S, PD 06/23/20                 98,298.36
CITY OF RAPID CITY, TID69 NORTH FIRE STATION, PD 06/23/20        2,940.12
FIRST INTERSTATE BANK, TID50 FEDERAL BEEF/FOUNDERS PARK DEV,
   PD 06/23/20                                                      193,570.54
MARKET SQUARE LLC, TID52 E ST CHARLES ST, PD 06/23/20             12,850.28
BLACK HILLS ELECTRIC COOPERATIVE, ELECTRICITY, PD 06/23/20         986.60
BLACK HILLS ENERGY, ELECTRICITY, PD 06/17/20                      35,536.93
BLACK HILLS ENERGY, ELECTRICITY, PD 06/23/20                      119,734.31
MONTANA DAKOTA UTILITIES, NATURAL GAS, PD 06/17/20               414.53
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RSVP, PIONEER BANK & TRUST, 06/20/20 P/ROLL TAXES, PD 06/26/20    553.02
RSVP, COMPUTER BILL LIST                                         238.26
TOTAL                                                          13,036,226.16

Sumption presented the bill list of $13,036,226.16. Motion was made by Nordstrom, second by Jones and carried to authorize (No. CC070620-01) the Finance Officer to issue warrants or treasurer checks drawn on proper funds, in payment thereof.

**ADJOURN**

There being no further business to come before the Council at this time, motion was made by Armstrong, second by Salamun and carried to adjourn the meeting at 8:16 p.m.

Dated this 6th day of July, 2020.

**ATTEST:**

Finance Officer
(SEAL)

Mayor

CITY OF RAPID CITY

Dated this 6th day of July, 2020.