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, August 3, 2020, at 6:30 P.M.

The following members were present: Mayor Steve Allender and the following Alderpersons: Pat Jones, Ritchie Nordstrom, Greg Strommen, Laura Armstrong, Jason Salamun, Lance Lehmann, Darla Drew, and Bill Evans; the following Alderpersons arrived during the course of the meeting: None; and the following were absent: John Roberts

Staff members present included: Finance Officer Pauline Sumption, City Attorney Joel Landeens, Interim Police Chief Don Hedrick, Parks and Recreation Director Jeff Biegler, IT Director Jim Gilbert, Interim Fire Chief Jason Culberson, Public Works Director Dale Tech, Community Development Director Ken Young, Community Development Block Program Manager Michelle Schuelke; Assistant City Attorney Jessica Rogers and Administrative Secretary Angie Boeve

ADOPTION OF AGENDA
Motion was made by Salamun, second by Jones and carried to adopt the agenda.

PRESENTATION
Bill Casper with the Veterans Banner Program addressed the Council about the history of Veterans Day and the Banner Program and presented samples of the banners. He commended Scott Anderson of Parks for his assistance. Banners will be hung September 8-10 and Destination Rapid City will put them up on October 1. They would like the banners to hang from before Memorial Day through Veteran’s Day.

GENERAL PUBLIC COMMENT
Kiran Kelly and Grace B of the Youth City Council Environmental Committee invited people to a park clean up and tailgate picnic on August 22, 2020 at 11:00 a.m. at Founders Park.

Drew Wishon, Joey Doub and Mary Haan of the Black Hills Community Action Initiative spoke in opposition of the Rapid City Police Department; Mark Smith spoke in support of the Rapid City Police Department.

Justin Herriman and Theresa Sullivan of Rapid Creek Watershed Action spoke in support of protecting the watershed from the effects of mining.

NON-PUBLIC HEARING ITEMS -- Items 2 – 33
CONSENT ITEMS – Items 2 – 25
The following items were removed from the Consent Items:

22. LF072920-04 – Approve Final FY19 Consolidated Annual Performance and Evaluation Report (CAPER)

Motion was made by Salamun, second by Jones and carried to approve items 2-33 with the exception of item 22.

Approve Minutes
2. Approve Minutes for the July 20, 2020 Regular Council meeting.
**Alcoholic Beverage License Applications Set for Hearing (August 17, 2020)**

3. Dolcevita LLC DBA Sabatino’s Italian Ristorante, 617 Main Street, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license

4. Naja Shriners for a SPECIAL EVENT On-Sale Dealer License for an event scheduled for August 22, 2020 at Naja Shrine Center, 4091 Sturgis Road

5. Clarion Inn for a SPECIAL EVENT On-Sale Dealer License for an event scheduled for August 22, 2020 at Clarion Inn, 1902 N LaCrosse Street

6. Adelaide Inc. DBA Juniper, 405 Canal Street Suite 1300 for a Retail (on-off sale) Malt Beverage & SD Farm Wine License

7. Lakota Dream Museum Inc. DBA DeCory’s Entertainment Company for a Retail (on-off sale) Malt Beverage & SD Farm Wine License

**Public Works Committee Consent Items**

8. PW072820-01: Approve Change Order #1-F for Project No. 2494 / CIP No. 51226 Rapid City Public Library Air Handing Unit Replacement with Climate Controls System and Service for a decrease of $899.52.

9. PW072820-02: Authorize Mayor and Finance Officer to Sign Resolution No. 2020-063 Construction Fee Resolution for Highpointe Ranch Phase 2 Water Main Oversize - Per Acre Fee, Project No. DEV17-1384.

Resolution # 2020-063

CONSTRUCTION FEE RESOLUTION FOR HIGHPOINTE RANCH PHASE 2 WATER OVERSIZE

PROJECT NO. DEV17-1384

WHEREAS, Section 13.04.190 of the Rapid City Municipal Code (RCMC) authorizes the City Council to require properties benefited by the construction of water pipes or mains to pay their proportionate share of the cost to construct such water pipe or main prior to being allowed to connect to the City’s water utility; and

WHEREAS, a 12” water main was extended in Wind River Road per City Project No. DEV17-1384; and

WHEREAS, the City’s total oversize cost of constructing this water main was $13,331.74; and

WHEREAS, the City’s engineering staff has identified the total area that will benefit from construction of this water main, as shown on Exhibit A, which has been attached hereto and incorporated herein; and

WHEREAS, the City’s Public Works Director is recommending the cost to construct this main be paid by the properties which will benefit from its construction prior to such properties being served by the City’s water utility; and

WHEREAS, the City’s Public Works Director is recommending the construction fees be apportioned to the benefiting area shown on Exhibit A, based on the benefits that accrue to such property, and as such, should be established on a per-acre basis; and

WHEREAS, the City Council, having considered the recommendation of the City’s Public Works Director and having made such investigation as it finds necessary, determines that it is in the best interests of the City and its water utility that the owners of properties within the benefitting area should pay their proportionate share of the cost to construct this project on a per-acre basis.

NOW THEREFORE, BE IT RESOLVED, by the City of Rapid City, that prior to being allowed to connect to the City’s water system, the owners of property in the benefitting area shown in Exhibit A shall be required to pay a proportionate share of the cost of constructing the 12” water main shown in City Project No. DEV17-1384.
BE IT FURTHER RESOLVED that the owners of the property shown on Exhibit A shall pay $632.43 per acre to connect to the City’s water utility.

BE IT FURTHER RESOLVED that all construction fees collected as established herein shall accrue to the water utility enterprise fund.

BE IT FURTHER RESOLVED that such utility construction fees shall remain in effect until such time as the balance of the project costs totaling $13,331.74 has been collected, or until all benefitting properties have connected to City water, at which time this Resolution and the utility construction fee shall automatically expire.

Dated this 3rd day of August, 2020

CITY OF RAPID CITY
s/ Steve Allender
Mayor

ATTEST:
s/ Pauline Sumption
Finance Officer
(SEAL)

10. PW072820-03: Authorize Mayor and Finance Officer to Sign an Amendment to the original Agreement between the City of Rapid and Longbranch Civil Engineering, Inc. for Professional Engineering Services for Robbinsdale Phase 6 Design, Project No. 19-2515, CIP No. 51232, in the amount of $10,800.00.

11. PW072820-04: Authorize Mayor and Finance Officer to sign agreement between the City of Rapid City and FMG Engineering, Inc. for Professional Services for Final Design, Bidding, and Construction services for Rapid City Solid Waste - Lake Herman Outfall Improvements, Project No. 20-2589 / CIP No. 51289 in the amount of $79,930.00.

12. PW072820-07: Approve Request for purchase of one (1) New 2020 5500 Dodge Ram 4x4 Regular Cab Chassis from Liberty Super Store with price match from State Contract #17341 in the amount of $48,511.00.

13. PW072820-08: Approve Request for purchase of one (1) New 2020 5500 Dodge Ram 4x4 Regular Cab Chassis from Liberty Super Store with price matching from State Contract #17341 in the amount of $48,511.00

14. PW072820-05: 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.

15. PW072820-06: Acknowledge Update and Report from the Historic Preservation Commission Regarding Current Projects and Activities

Legal & Finance Committee Consent Items

16. LF072920-03 – Confirm the Appointment of Rita Conklin to the Retired Senior Volunteer Program (RSVP) Advisory Council

17. LF072920-06 – Authorize Staff to Apply for and Accept if Awarded the 2020 JAG Grant for an Amount of $88,762.00 to be Evenly Split Between RCPD and the Pennington County Sherriff’s Office to Replace Aging Radios

18. Acknowledge the Following Volunteers for Worker’s Compensation Purposes: Sue Aker (RSVP+), Betty Goddard (RSVP+), Harlene Hill (RSVP+), Bernard Iszler (RSVP+), Laura Iszler (RSVP+), Candace Laursen (RSVP+), Maren McKelvie (RSVP+), Diana Metzger (RSVP+), Cleo Miller (RSVP+), Don Paklin (RSVP+), Mary Pavlicek (RSVP+), Robert Pavlicek (RSVP+), Jerelyn Riemer (RSVP+), Ralph Riemer (RSVP+), Robert Schneider (RSVP+), Kathleen Schneider (RSVP+), Ruth Ann Schwartz (RSVP+), Albert Setera (RSVP+), Laceta Setera (RSVP+), Richard Tinker (RSVP+), Romona Tinker (RSVP+), Sharon Thorman (RSVP+), Rena Boersma (RSVP+),
Sandy Prante (RSVP+), Terry Prante (RSVP+), Sharon (Sherry) Scudder (RSVP+), Lori Lois Kunka (RSVP+)

19. LF072920-01 – Acknowledge Annual TID Report to Council
20. LF072920-02 – Acknowledge June 2020 General Fund Cash Balance Report
21. LF072920-07 – Acknowledge Report on Retail (on-off sale) Malt Beverage Licenses Eligible for Video Lottery

**Community Development Consent Items**

23. LF072920-05 – Approve Preliminary FY20 Amendment to Resident Participation Plan

**Bid Award Consent Items**

24. CC080320-02.1 - Approve award of total bid for PETT Bldg Roof Replacement, Project No. 20-2597 / CIP No. 50098 opened on July 28, 2020 to the lowest responsible bidder, The Roofing & Construction Co. in the amount of $136,900.00.
25. CC080320-02.2 - Approve award of total bid for Gill Ave Sewer Reconstruction Project, Project No. 20-2584 / CIP No. 51294 opened on July 28, 2020 to the lowest responsible bidder, Simon Contractors of SD, Inc. in the amount of $317,063.00.

END OF CONSENT ITEMS

Mayor read in item (LF072920-04) Approve Final FY19 Consolidated Annual Performance and Evaluation Report (CAPER) Drew likes items in report, asked for more information in regard to the affordable housing items in the report, and asked Young to discuss the accomplishments. Young deferred to Schuelke who talked about the new housing projects in Rapid City, JB Holdings on E Watertown consists of 14 new, HUD approved mobile homes and a renovated tri-plexes; a new group home for Black Hills Works, single family home built by Black Hills Habitat for Humanity and Abbott House is building their second group home. This is all done with CDBG money. There is a third round of COVID related funds but it is unclear at this time if any funds will be received by Rapid City. Motion was made by Nordstrom, second by Strommen and carried to approve 8-0.

**NON-CONSENT ITEMS**– Items 26 – 33

Jennifer Boeger spoke against the denial of Item 29 (PW071420-14).

**Ordinances**

Mayor read in item (LF071520-01) Second Reading of Ordinance No. 6432, Regarding Supplemental Appropriation 4 for 2020. Having passed its first reading on July 20, 2020 motion was made by Drew, second by Nordstrom to approve. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6432 was declared duly passed upon its second reading.

Mayor read in item (LF071520-02) Second Reading of Ordinance No. 6433, Regarding Supplemental Appropriation 5 for 2020. Having passed its first reading on July 20, 2020 motion was made by Jones, second by Nordstrom that the title be read the second time. Upon vote being taken, the following voted AYE: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, Evans and Drew. NO: None; Whereupon, the Mayor declared the motion passed and Ordinance 6433 was declared duly passed upon its second reading.

Mayor read in item (20OA005) First Reading of Ordinance 6388 to Amend Provisions of the Rapid City Municipal Code Relating to the Storage and Parking of Certain Vehicles and Trailers. Motion was made by Salamun, second by Lehmann and carried to approve Ordinance 6388 be placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, August 17, 2020.
Public Works Committee Items
Mayor read in item (PW071420-14) Appeal by Jennifer Boerger of 2731 Country Club Drive of an Exception Request denial to allow two driveway approaches for a residential lot with less than 200 feet of frontage. In response to a question from Salamun about the denial, Tech said access points are limited. The more access points the more conflict with traffic. He also said there would be limited on-street parking by creating a bigger driveway. He stated drainage is affected by curb cuts. They don't convey storm water as well as standard curb and gutter. Evans and Salamun said they understood the situation and would likely vote to grant the exception. Jones and Drew asked the applicant if she considered other alternatives. She said not really because of the uniqueness of the corner. Motion was made by Armstrong, second by Lehmann to approve the exception. Motion carried 6-2 with Jones and Drew voting no.

Community Development Items
Mayor read in item (No. 20PL046) A request by Fisk Land Surveying & Consulting Engineers, Inc for Caekaert Construction, LLC for a Preliminary Subdivision Plan for proposed Lots 6A and 6B of Block 29 of Gemstone Subdivision, generally described as being located at 507 and 509 Topaz Lane. Motion was made by Armstrong, second by Salamun to approve with the following stipulation: 1. Prior to submittal of a Final Plat application, the plat document shall be revised to include a telephone number for the preparer of the document. Motion carried 7-1 with Strommen voting no.

Mayor read in item (No. 20PL048) A request by Renner Associates, LLC for Tyler Schad for a Preliminary Subdivision Plan for proposed Lots 1 thru 4 and 5A and 5B of Beckman Subdivision, generally described as being located north of the eastern terminus of Beckman Drive. Motion was made by Drew, second by Nordstrom 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. In addition, 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. In addition, all information required per Chapter 16.12.040 of the Rapid City Municipal Code shall be submitted for review and approval as applicable; 2. Upon submittal of a Development Engineering Plan application, construction plans for Beckman Drive shall be submitted for review and approval showing the street located in a minimum 50-foot wide right-of-way and constructed pursuant to Figure 2-1 of the Infrastructure Design Criteria Manual with the cul-de-sac bulb located in a minimum 104-foot diameter right-of-way and constructed with a minimum 84-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. In addition, the east right-of-way line shall be extended to the east property line to include the area of steep roadway embankment; 3. Upon submittal of a Development Engineering Plan application, construction plans for the “shared access easement” located on proposed Lot 1 shall be submitted for review and approval showing the easement with a minimum width of 20 feet and constructed with a minimum 16-foot wide paved surface or shall meet criteria for obtaining an Exception. 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, the plat document shall be revised to show proposed Lot 4 as a “flagpole lot” or construction plans shall be submitted for review and approval for the proposed “access easement” located along the common lot line between Lot 3 and Lot 5A. In particular, the construction plans shall show the easement with a minimum width of 20 feet and constructed with a minimum 16-foot wide paved surface or shall meet criteria for obtaining an Exception. If an Exception is obtained, a copy of the approved document shall be submitted with the Development Engineering Plan; 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, the design report shall demonstrate that adequate water capacity and pressure are available at the proposed building location site(s). 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, construction plans shall be submitted for review and approval adjusting the manhole located outside of the roadway near the curve of Beckman Drive to be closer to the street for easier access. Easements shall also 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 shall be provided as needed; 8. Upon submittal of a Development Engineering Plan application, a grading plan shall be submitted for review and approval. The grading plan shall show lowering the building pad elevations as needed to ensure that building sites do not exceed the 3,450-foot elevation to be served by the South Canyon-Arrowhead Water Zone. In addition, the grading plan shall address the ditch located outside the right-of-way along the inside of the curve of Beckman Drive. In particular the grading plan shall show eliminating the ditch to allow drainage to overland flow to the street or a drainage easement shall be dedicated and an agreement shall be entered into to secure maintenance to convey drainage across the property; 9. Prior to approval of the Development Engineering Plan application, a Development Agreement shall be entered into with the City for all public improvements; 10. Prior to approval of the Development Engineering Plan application, the water and sewer plans shall be approved by the South Dakota Department of Environment and Natural Resources; 11. Prior to Development Engineering Plan approval, an engineer’s cost estimate shall be signed and approved; 12. Prior to Development Engineering Plan approval, any necessary off-site easements shall be secured; 13. Upon submittal of a Final Plat application, the plat document shall include a 6-foot wide exterior maintenance easement on either side of the common lot line between Lot 5A and 5B; 14. Upon submittal of a Final Plat application, the plat document shall be revised to show the lots located in “Block 3”; 15. Upon submittal of a Final Plat application, surety for any required subdivision improvements that have not been accepted shall be posted and the subdivision inspection fees shall be paid; and, 16. Prior to the City’s acceptance of the public improvements, a warranty surety shall be submitted for review and approval as required.

Mayor’s Items
Mayor read in the item (CC080320-03) - Presentation - Human Relations Commission Task Force. Task Force Members include Terra Houska, Denise Maher, Karen Mortimer, Tony Rhodes and Amy Sazue. The task force is devising a plan to address complaints and build the community. Mortimer, Rhodes and Sazue each spoke on different aspects of the human relations commission. The topics were the HRC functions; the complain process; HRC Structure; and Public Private Partnerships. They met 17 times to exam the commission and propose new ideas to make it better. Motion was made by Salamun, second by Armstrong to acknowledge. Salamun said there were a great group of people working on this and they have done a great job. He stated it would be good to concentrate on the things that unite everyone. This program is beyond just complaints; it’s proactive instead of reactive. In response to a question from Salamun, Allender said he is going to include the salary for the proposed director in his 2021 budget. Karen Mortimer said that the commissioners will be the ones who set most of the standards. Armstrong spoke in favor of the Human Relations Commission and thanked the mayor for bringing it to the forefront to be improved. Drew suggested more promotion toward getting the community educated about the group. She said uncomfortable conversations are going to take place before this will be positive. Jones spoke in favor of the HRC. He commended the task force on a job well done. Evans was impressed with the task force and all they came up with. Nordstrom is glad the MOA is working with the HRC. He believes in the private public partnership. Mayor expressed his gratitude on the job they did. He said no action was needed on this item.
Council Items & Liaison Reports
Mayor read in item (CC080320-04) - Report on RSVP+ – Ritchie Nordstrom; In response to a question from Drew, Nordstrom said the funding was mostly out of the commission for the national and community service. It is a federal grant that we get and 10% of that is used for the administrative part. There is very little done by the City. They are expanding and have started servicing Spearfish. There was no action taken on this item.

PUBLIC HEARING ITEMS – 34 – 36
CONSENT PUBLIC HEARING ITEMS – Items 34 – 36

Alcohol Licenses
34. Great Western Corral, LLC DBA Golden Corral, 1180 North LaCrosse Street, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license
35. Fleet Farm Group LLC DBA Fleet Farm Fuel, 1115 East Mall Drive, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license
36. Fleet Farm Group LLC DBA Fleet Farm, 1001 East Mall Drive, for a Retail (on-off sale) Malt Beverage & SD Farm Wine License and a Retail (on-off sale) Wine and Cider license

Motion was made by Lehmann, second by Jones and carried to approve items 34-36

END OF CONSENT PUBLIC HEARING CALENDAR

BILLS
The following bills have been audited:

BILL LIST – AUGUST 3, 2020

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SUMPTION presented the bill list of $8,709,984.61. Motion was made by Nordstrom, second by Drew to approve. Drury asked to abstain. Authorize (No. CC080320-01) the Finance Officer to issue warrants or treasurer checks, drawn on proper funds, in payment thereof. Those voting aye: Nordstrom, Strommen, Armstrong, Jones, Lehmann, Salamun, and Evans; no: none. Drew abstained. Motion carried 7-0.

ADJOURN
There being no further business to come before the Council at this time, motion was made by Armstrong, second by Drury and carried to adjourn the meeting at 8:19 p.m.

Dated this 3rd day of August, 2020.

ATTEST:

__________________________________________
Finance Officer
(SEAL)

CITY OF RAPID CITY

__________________________________________
Mayor