

**FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF RAPID CITY AND TENSLEEP, LLC**

THIS FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING is made effective this ____ day of May, 2011, by and between the CITY OF RAPID CITY, a South Dakota municipal corporation, (hereafter "City") and Tensleep, LLC, a South Dakota limited liability company (hereafter "Tensleep").

WHEREAS, the City has established a Life Safety Fund Loan Program to assist building owners with the installation of sprinkler systems in existing buildings; and

WHEREAS, Tensleep made application to the City to participate in the Life Safety Fund Loan Program for the purpose of installing fire sprinkler systems in the Fairmont Creamery building; and

WHEREAS, upon approval by City of the application, the City and Tensleep entered into that certain Memorandum of Understanding dated May __, 2009 (hereinafter "MOU"), to set forth the terms of the loan from City to Tensleep from the Life Safety Fund Loan Program; and

WHEREAS, the loan proceeds have not yet been disbursed to Tensleep, but Tensleep now wishes to take advantage of the loan; and

WHEREAS, the City still wishes to facilitate the installation of the fire sprinkler systems to protect the public safety; and

WHEREAS, in consideration of the foregoing, the parties wish to amend the MOU as set forth herein.

NOW THEREFORE, be it agreed by the parties as follows:

1. Section 5 of the MOU shall be amended to read in its entirety as follows:

Payments shall be made on or before June 1st and December 1st of each year. In accordance with the following schedule:

<u>Due Date</u>	<u>Amount</u>
December 1, 2011	\$8,781.44
June 1, 2012	\$8,781.44
December 1, 2012	\$8,781.44
June 1, 2013	\$8,781.44
December 1, 2013	\$8,781.44
June 1, 2014	\$8,781.44
December 1, 2014	\$8,781.44

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

State of South Dakota)
 ss.
County of Pennington)

On this the _____ day of _____, 2011, before me, the undersigned officer, personally appeared Alan Hanks and Pauline Sumption, who acknowledged themselves to be the Mayor and Finance Officer, respectively, of the City of Rapid City, a municipal corporation, and that they, as such Mayor and Finance Officer, being authorized so to do, executed the foregoing Agreement for the purposes therein contained by signing the name of the City of Rapid City by themselves as Mayor and Finance Officer.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public, South Dakota

My Commission Expires:

(SEAL)