

LEGAL AND FINANCE COMMITTEE MINUTES
Rapid City, South Dakota
February 14, 2006

A Legal and Finance Committee meeting was held at the City/School Administration Center in Rapid City, South Dakota, on Wednesday, February 14, 2006, at 2:00 p.m.

A quorum was determined with the following members answering the roll call: Malcom Chapman, Tom Johnson, Deb Hadcock, and Bill Okrepkie. Absent: Ray Hadley.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

Approve Minutes of February 1, 2006

Motion was made by Okrepkie, seconded by Hadcock, and carried to approve the minutes of the February 1, 2006, Legal and Finance Committee.

Adoption of the Agenda

Motion was made by Okrepkie, seconded by Johnson, and carried to adopt the agenda with the following additions:

- 22a) Schedule for local Board of Equalization;
- 40a) Contract.

General Public Comment

A time for members of the public to discuss or express concerns to the Committee on any issue, not limited to items on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Aldermen present.

SPECIAL ITEMS FROM THE PUBLIC (citizen requested to be placed on agenda)

Jackie Schwartz told the Committee that she is a pool player. She came before the Committee to talk about the tournaments at the Civic Center. She discussed the dangers of second hand smoke. She has an issue with the Civic Center allowing smoking at two sporting events, the pool and the dart tournaments. She would like to see smoking prohibited at the Civic Center for these sporting events and all other events in general. She does not think it is fair to the players or the spectators at these events to have to contend with the second hand smoke. She said that many children attend these events and the second hand smoke is very dangerous to the public. She said many times these events are held at the same time as other events, and the smokers from the other events come to the pool or dart tournament rooms so they can smoke. The Civic Center is designated a non-smoking building, except for these certain events. After further discussion, Johnson said he thinks this should go before the Civic Center Board. Johnson moved to refer prohibiting smoking for certain Civic Center events to the Civic Center Board and request that it be placed on their next agenda. Second by Hadcock. Jason Green said the pool and dart tournaments are major events at the Civic Center. If smoking is not allowed, those events will go somewhere else. He suggested she present her concerns to the promoters of the events because they are the ones that push for that privilege in the Civic

Center. He said the Civic Center leases their space to private parties on a regular basis. Somebody else has control of that building at that time. Those lessees have the right to include or exclude who they want from the building. As a result of that, the Civic Center loses its character as a public building during the duration of that lease. Therefore, it is not subject to the statute on smoking in public buildings. After further discussion, a vote was taken and the motion carried. ***Place item on consent calendar***

Mike Miles, tournament director for the Rapid City Softball Association, told the Committee that they would like to hold an all night softball tournament sometime in June. Jason Green reminded him that state law requires that no alcohol be served on the premises after 2:00 a.m. and that no alcohol can be consumed on the premises after 2:00 a.m. The City would need assurance that they would abide by the statutes on alcohol. Hadcock moved to approve the request to hold an all night softball tournament at Star of West Complex for two days in June on a one-time trial basis with a request that the organization come back to this Committee sometime in July with a report. Second by Okrepkie. Motion carried. ***Place item on consent calendar***

No. LF021506-23 – Okrepkie moved to refer request for funding from the .16 Utility Fund for sewer and water for Mall Drive (between East North Street and LaCrosse Street - FLMC, Inc.) to the .16 Committee. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-24 – Marcia Elkins said she has been working with Bob Knecht on a request for clarification of the floodplain development policy and also a rezoning request. He has some property on the west side of Rapid City. He has a conditional letter of map revision to the floodplain that he has been processing through FEMA. That has been submitted to amend the 100 year floodplain. He has also talked about the requirements for rezoning the property, and he has reviewed the floodplain development policy for the City. His indication is that there is an area between the 100 year and the 500 year floodplain that he would also like to place fill in and also have rezoned for development purposes. Based on the floodplain policy, that would not strictly comply with the requirement that anything upstream of the bridge at Chapel Valley would be rezoned only to the 100 year floodplain. Because he has already submitted his request to FEMA just for the boundary amendment for the 100 year, he is asking for some direction from the Committee on whether or not it would support his request if he did place fill to bring that area up to meet those requirements without submitting the request to FEMA because of the expense involved. Mr. Knecht said they are trying to abide by all the rules and regulations of FEMA and the City. He is proposing to utilize the area above the 500 year floodplain area. They are in the process of getting approval from FEMA. The fill will be engineered and compacted the way it is supposed to be. Hadcock said she thinks Mr. Knecht should go through FEMA on this. Chapman said he is uncomfortable with the submittal that has gone to FEMA and we don't have that information back from them yet but then the City is being asked to make some sort of judgment based on something that is not back from FEMA. This is getting ahead of the game. Elkins said that Growth Management would support the policy that has been adopted by the Planning Commission and the City Council and that would require that they go through the process to amend the maps. This would strictly comply with the adopted policies. Hadcock would like to see the report before she makes a decision. Hadcock moved to table this item until the FEMA report comes back. Johnson said he thinks this motion is appropriate but does not believe this item requires action. He asked that Mr. Knecht come back once he has received the report.

ITEMS FROM MAYOR

No. LF020106-05 – Hadcock moved to approve appointments of Tom Collings, Kathy Laforest, Dave Kurtz, Scott Backens, Doug Puetz, Shelly Shock, Brian Gosch and Margo Burton and Sheryl Logan to the Mayor’s Committee for People with Disabilities. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-01 – Johnson moved to take Resolution Approving BID Board Members to the March 1, 2006, Legal and Finance Committee meeting. Second by Okrepkie. Okrepkie said he does not think we should slow this process down. He thinks this can be fine tuned at the Council meeting. A substitute motion was made by Okrepkie to take this item to the February 20, 2006, Council meeting without recommendation. Michelle Lintz said the names have been submitted to the Mayor. He needs to confirm with them that they would like to serve on the board. She does not foresee any problem with that. Johnson said he has additional questions about how this process works, how this board functions, what their job is, how the money is distributed, how the money is moved, if there will be bylaws, etc. and he would prefer to see this come back through the Legal and Finance Committee meeting. Okrepkie withdrew his motion. A vote was taken on the original motion, and the motion carried.

No. LF021506-02 – Hadcock moved to approve Resolution Regarding Rapid City Clean Up Day. Second by Johnson. Motion carried. ***Place item on consent calendar***

ITEMS FROM ALDERMEN AND COMMITTEE REPORTS

Johnson said he received information that showed a logo that is being used for the 2012 projects. He has also seen the logo being used on City vehicles. He does not like these logos. He thinks there needs to be discussion on how those signs and the logo will look in the future. He also thinks the Council should be in the loop. Rodell Grosz told the Committee that Public Works was asked to redesign the 2012 project signs and take it back to the 2012 Committee. The logo being used on City vehicles was taken to the department head meetings for discussion and approval. Johnson moved to request staff not to place the new city logo on any city vehicles until a new design is approved. Second by Okrepkie. Motion carried. ***Place item on consent calendar***

Hadcock moved to take Economic Development and Civic Improvements Fund (2012 5-year plan) process discussion, including discussion of the 2012 logo, to the February 20, 2006, Council meeting without recommendation to set a date for further discussion of these items. Second by Johnson. Motion carried.

No. LF021506-03 – Hadcock moved to continue recommendation from .16 Utility Fund Oversight Committee for approval of .16 Utility Fund Program guidelines to the March 1, 2006, Legal and Finance Committee meeting. Second by Johnson. Motion carried.

POLICE DEPARTMENT

No. LF020106-08 – Chief Tieszen told the Committee that there is an event permit request from the Rapid City Central and Stevens High School/South Dakota High School Activities

Association for the final day of the State high school track and field championships. This request is to close St. Joe Street in the vicinity of the School of Mines for the second day of the state track meet for additional parking. He said this is a significant highway to close down for a whole day, but the traffic division thinks it can be done and that this approach would be beneficial. There will be a substantial disruption of traffic, and the traffic will have to be diverted. There will also have to be a commitment of significant personnel to maintain the closure and utilize the highway for additional parking. Johnson said he will not support this request. He believes there are other alternatives to shutting down the road. He would like to see those alternatives explored and brought back to this Committee. Tieszen said there is a committee that has been working on this, and the organizers felt that this is the best solution. Hadcock moved to take this event permit back to the applicant and ask that it bring back other alternatives to the March 1, 2006, Legal and Finance Committee meeting. Second by Johnson. Motion carried.

No. LF021506-04 – Johnson moved to approve Travel Request for Garrett Johnson to Attend COMPTIA Network Training in Rapid City, SD, on March 27-31, 2006, in an Approximate Amount of \$1,646. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-05 – Johnson moved to approve Travel Request for Police Department to Attend Goals Planning Meeting in Deadwood, SD, May 3-4, 2006, in an Approximate Amount of \$1,130. Second by Hadcock. Motion carried. ***Place item on consent calendar***

FIRE DEPARTMENT

No. LF021506-06 – Okrepkie moved to authorize staff to advertise for RFP to provide City fireworks show for 2006 with an option for two additional years at a cost of \$18,000 per year. Second by Hadcock. Motion carried. ***Place item on consent calendar***

Johnson moved to authorize staff to accept Fire Act Grant funds in the amount of \$66,372. Second by Okrepkie. Motion carried. ***Place item on consent calendar***

GROWTH MANAGEMENT

No. 05TI019 - East Anamosa Street – Hadcock moved to continue a request by Centerline to consider an application for a **Tax Increment District No. 49 Project Plan** on Lot 1 – 28 and all adjacent rights-of-way, Block 11, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 – 14 and all adjacent rights-of-way, Tract A (formerly lots 15A thru 25A) and all adjacent rights-of-way, Lot 15-28 less lot 15A -25A and all adjacent rights-of-way, all located in Block 12, Plainview #2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Unplatted balance of SW1/4SE1/4 and the unplatted balance of SE1/4SE1/4 and all adjacent rights-of-way, all located in Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 3 and Lot 4 and all adjacent rights-of-way, Tract A & S1/2 vacated part of alley adjacent to Tract A and all adjacent rights-of-way, Lot A of Lot 1, Lot 2 and the S1/2 vacated Watertown St adjacent to said lot, Lot B of Lot 1, all located in Block 2, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract I and the N1/2 vacated portion of alley adjacent to Tract I and the S1/2 vacated Watertown St adjacent to Tract I and all adjacent rights-of-way, Block 2,

Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Block 3 and W375' of N1/2 vacated Watertown Street adjacent to Block 3 less W150' & less Lot 1-2 and the S1/2 vacated Madison Street adjacent to E475' Block 3 and the vacated alley in Block 3 less portion between Lots 1 & 2 and all adjacent rights-of-way, all located in Block 3, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1-2 and the S1/2 vacated Madison St adjacent to Lot 1 and the N1/2 vacated Watertown Street adjacent to Lot 2 and the vacated alley between Lots 1-2, Block 3 and all adjacent rights-of-way, all located in Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of Block 1 and all adjacent rights-of-way, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 -2 and the balance of Block 4 and all adjacent rights-of-way, all located in Block 4, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, SE1/4NE1/4 including Meadowlark Hills Sub & all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A & E1/2 vacated Cherry Ave of NE1/4NE1/4 and all adjacent rights-of-way, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract B, C, D, F, G, and H and all adjacent rights-of-way, all of Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract E & E15' of vacated Cherry St adjacent to said Tract E, Block 1 and all adjacent rights-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, E100' of Tract A, Block 1 and adjacent right-of-way, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A less the E100' and the E15' of vacated Cherry St adjacent to said Tract A and adjacent right-of-way, Block 1, Feigels Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All of the 90' wide East Anamosa Street right-of-way located in the NE1/4 of Section 31 and the SE1/4 of Section 30, and the East Anamosa Street right-of-way located in the NW1/4 of Section 31 and the SW1/4 of Section 30 all adjacent to LaCrosse Street, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, All Railroad Right-of-Way located in the NE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A and Lot B and all adjacent rights-of-way, West Century Sub, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N170' of S313.96' of Lot 2 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1 and Lot 2 and all adjacent rights-of-way, Buckingham Rental Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot B of Lot 1 of SW1/4NW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot A, B, C, and D of Lot 1 of NW1/4SW1/4 and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract 1, Century "21" and all adjacent rights-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A in NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract D in NE1/4NW1/4 including Lot 1 of Tract D of Heubner Subdivision and all adjacent rights-of-way, all located in Heubner Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, N16.04' of Lot 2 of SW1/4NW1/4 and adjacent right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 and Lot H3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Lot H1 of Lot A of the SE1/4NW1/4, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the

N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of Lot B of Lot 1 in the NW1/4SW1/4, Lot H1 of Lot B of Lot 1 of the NW1/4SW1/4, Lot 2 of the NW1/4SW1/4, Lot H1 of Lots 7 & 8 of the NW1/4SW1/4, Lot H1 of Lots 3,4, 5 & 6 of the NW1/4SW1/4, Lot H1 and Lot H2 of the NW1/4SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Century Road, east of LaCrosse Street and south of US 1-90 to the March 1, 2006, Legal and Finance Committee meeting. Second by Johnson. Motion carried.

No. 01TI004 – Hadcock moved to approve relocation of Red Rock detention ponds – Tax Increment District No. 32. Second by Johnson. Motion carried. ***Place item on consent calendar***

Hadcock moved to authorize staff to transfer a 1993 Ford Aerostar all wheel mini van, SN92866, Inventory #4835 to the Rapid City Public Library. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-07 – Johnson moved to authorize Mayor and Finance Officer to sign Local Government Certifications by the Chief Executive Officer for Funding from the Emergency Shelter Grants, Low Income Housing Tax Credits and HOME Programs and Support Letters for WAVI, Corner Stone’s Rescue Mission, Women & Children’s Home, and Transitional Housing Units, Professional Management, Inc.’s Knollwood Heights Renovation Project and authorize Mayor to sign the certifications and support letters. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-26 – Hadcock moved to authorize staff to draft an ordinance amending Section 1013.3 of the 2003 International Building Code by adding an exception to increase the common path of travel in R-2 occupancies (apartment) from 75 feet to 125 feet. Second by Johnson. Motion carried. ***Place item on consent calendar***

FINANCE DEPARTMENT

No. LF021506-08 – Hadcock moved to approve Resolution Declaring Property Surplus for Rapid Transit Division, Streets Division, Computer Department and Fire and Emergency Services. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-09 – Hadcock moved to approve request for audit extension. Second by Johnson. Motion carried. ***Place item on consent calendar***

Jim Preston reminded the Committee that the local Board of Equalization hearings are coming up, and more Council members need to sign up for those hearings. He encouraged them to sign up so he can get the list turned in.

PUBLIC WORKS DEPARTMENT

No. LF021506-10 – Hadcock moved to authorize Mayor and Finance Officer to sign Resolution Regarding Sanitary Sewer Construction Fee (NE Area Sanitary Sewer – Phase 1). Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-11 – Johnson moved to authorize Mayor and Finance Officer to sign Resolution Regarding Water Main Construction Fee (I-90 Heartland Business Park). Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. PW013106-21 – Johnson moved to refer funding source discussion and authorization for the Mayor and Finance Officer to sign a Covenant Agreement with Farrar Real Estate Limited Partnership to initiate the first phase of the "North Deadwood High -- High Level" Water Service Zone and Cost Sharing for the infrastructure to the .16 Committee for discussion and ask that it bring back a recommendation to this committee. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-12 – Hadcock moved to authorize Mayor and Finance Officer to sign Professional Design Services Agreement for a Multi-Use Storage Facility. Second by Johnson. Motion carried. ***Place item on consent calendar***

DEPARTMENT OF PARKS AND RECREATION

No. LF021506-13 – Johnson moved to authorize staff to sign Golf Cart Space Rental Agreement. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-14 – Johnson moved to authorize staff to go out for RFP's for custodial services. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-15 – Johnson moved to authorize Mayor and Finance Officer to sign Contract with Black Hills Power and Light Company for a pal light. Second by Hadcock. Motion carried. ***Place item on consent calendar***

CITY ATTORNEY'S OFFICE

No. LF102704-12A2 – Hadcock moved to approve Second Reading and Recommendation of Ordinance No. 4083 Regulating On-Site Wastewater Disposal and Treatment by Adding Chapter 13.09 to the Rapid City Municipal Code. Second by Johnson. Motion carried.

Scott Sogge told the Committee that he was here in September, and at that time it was his intention to purchase the property located at 1029 East St. Francis Street. He was misled by the owner that it was ready for sale. The property has been tied up in probate since that time. He has proceeded with a considerable amount of work, and the purchase is now complete. The way is now cleared for him to finish up the work on the property, contingent upon the house not being demolished. Frank Bettmann, attorney for Sogge, said there is a schedule for the project, and he is requesting that Mr. Sogge be allowed the opportunity to proceed and that he will not risk losing the property as long as he is putting money into it. He said Mr. Sogge would be happy to sign an agreement with the City to put on a date certain for completion. Johnson moved to take demolition of 1029 East St. Francis to the February 20, 2006, Council meeting without recommendation and request the City Attorney's office to work with the owner on an agreement for completion of the necessary work. Second by Hadcock. Motion carried.

No. LF020106-22A – Johnson moved to continue Introduction and First Reading of Ordinance No. 5137 Modifying the Term of Service for the Members of the Rapid City Regional Airport Board by Amending Section 2.72.020 and 2.72.030 of the Rapid City Municipal Code to the March 1, 2006, Legal and Finance Committee meeting. Second by Hadcock. Motion carried.

No. LF020106-23A – Johnson moved to continue authorization for the Mayor and Finance Officer to sign Agreement with Skyline Preservation to the March 1, 2006, Legal and Finance Committee meeting. Second by Hadcock. Motion carried.

No. LF021506-16 – Okrepkie moved to approve request from Ken Gray, d/b/a Goofy Moose, for a Vending License for 2006. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF020106-21A – Hadcock asked if parks and other public areas need to be added to the Resolution Prohibiting Smoking Within 50 Feet of the Public Entrances in City-Owned Facilities. Jason Green said if this Committee or the Council want to make suggestions for changes to the ordinance, the Attorney's office can make those changes. There has been no additional direction from the Council given on this item. Hadcock said she would like to visit with the City Attorney's office on her suggestions. Johnson said this was brought back because of the City/School building. The City does not own the entire building. Green said the City owns a portion of this building so it is questionable whether or not this Resolution would apply. Johnson moved to continue Resolution Prohibiting Smoking Within 50 Feet of the Public Entrances in City-Owned Facilities to the March 1, 2006, Legal and Finance Committee meeting. Second by Hadcock. Okrepkie asked if this would be limited to public buildings where the public actually goes and not buildings owned by the City that typically the general public does not go to. A vote was taken on the motion, and the motion carried.

No. LF021506-17 – Hadcock moved to authorize Mayor and Finance Officer to sign Agreement to Share Water Main Construction Costs. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-18 – Hadcock moved to authorize Mayor and Finance Officer to sign Contract for Private Development Tax Increment District Number Forty Eight Between BWWW Enterprises, LLC and the City of Rapid City. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-19 – Okrepkie moved to authorize Mayor and Finance Officer to sign Real Estate Relationships Disclosure and Agency Agreement Addendum with West Forty Realty. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-20 – Hadcock moved to authorize Mayor and Finance Officer to sign Agreement between the City of Rapid City and the Rapid City School District to conduct the feasibility study for the proposed theatre at Central High School. Second by Johnson. Motion carried. ***Place item on consent calendar***

No. LF021506-21 – Johnson moved to acknowledge raffle request from Easter Seals South Dakota. Second by Hadcock. Motion carried. ***Place item on consent calendar***

No. LF021506-22 – Johnson moved to acknowledge raffle request from Pennington County Republican Party. Second by Hadcock. Motion carried. ***Place item on consent calendar***

Jason Green told the Committee that there is a tax increment district and some improvements that are going to be ultimately funded out of the tax increment district. It is located off of East North Street at the intersection of Anamosa. The developer wants to have the City initially through its agreement contract for the construction of these improvements. The developer is willing to repay the City immediately and then wait to be reimbursed from the tax increment district. The timing is crucial because the Department of Transportation is reconstructing East North Street and these contracts need to be in place. The City currently has a joint contract for the utility work. Johnson moved to take authorization for the Mayor and Finance Officer to sign funding agreement with AR Group to the February 20, 2006, Council meeting without recommendation. Second by Okrepkie. Motion carried.

LICENSES

Johnson moved to approve the following licenses: Second Hand: Micro Solutions, Inc, Jamie V Al-Haj; Software Etc, #1257, Troy L Cruz; Trebleshooter Guitars & Jazz, Mitchell Kimball; Matt Kimball's Golf Shop, Matthew R Kimball; Micro Solutions, Inc, Jamie V Al-Haj; Software Etc, #1257, Troy L Cruz; Trebleshooter Guitars & Jazz, Mitchell Kimball; Security Business: Discovery Investigation Services, Michael J Jacob; Marshall Security, Marshall T Burnette; Ole Olson Security, Vance A Olson; Ram Security & Patrol, Ryan J Hunter; Rochester Armored Car Co, Inc, Paul Cameron; Shamrock Security, Francis A Kelley; Taxi Business: Wheelchair Services of the Black Hills, Michael & Leanne Weideman; Central Station Service: Central Station, Inc, Don H Minyard. Second by Okrepkie. Motion carried. ***Place item on consent calendar***

EXECUTIVE SESSION

Johnson moved to go into executive session to discuss contractual matters and potential litigation at 3:50 p.m. Second by Okrepkie. Motion carried.

Okrepkie moved to come out of executive session at 3:55 p.m. Second by Johnson. Motion carried.

GROWTH MANAGEMENT

No. LF021506-25 – Johnson moved to approve the Resolution Dissolving Tax Increment District No. 57. Second by Hadcock. Motion carried. ***Place item on consent calendar***

Hadcock moved to request the City Attorney's office to write a letter to Plum Creek regarding the IDPF Loan. Second by Johnson. Motion carried. ***Place item on consent calendar***

There being no further business, moved, second by and carried to adjourn the meeting at 3:57 p.m.