

Second substitute motion was made by Chapman and seconded to ask the Mayor and Council leadership to come back with proposed time lines and procedures on how to proceed. Kooiker expressed his concern for the time frame and suggested 60 days out. Chapman explained the group has heard the concerns, and he feels the Mayor and Council leadership will come back with something that will work for all involved. Mayor pointed out they are already 45 days into the process so everyone should have received fair notice that they are moving forward. Motion carried.

### ***Council Items & Liaison Reports***

Alderman Costello thanked Don Brumbaugh and the Street Department for solving a recent issue with sod damage due to snow clean up. He also thanked John Less and the traffic group for fixing the broken button at the traffic light on Kansas City and 5th Street.

Motion was made by Olson, second by Martinson, to set a special Council meeting on June 29, 2009 at 7:00 p.m. to report on the Green Cities conference with no action expected to be taken and ask Mayor's office to coordinate an alternate date if June 29th is not workable. Weifenbach suggested setting an informational meeting instead. Olson said it was originally considered for an information meeting but they felt a lot of the public would be interested in the information presented. So, they felt it was important to have it at a time people can attend. Costello suggested less structure during the meeting for free flowing conversation. Motion carried.

Kooiker addressed (CC050409-07) 601 12th Sewer Cleanup and Review of City's payment policy. Olson wanted to acknowledge that she is abstaining from this item. Kooiker explained the situation and gave his two suggested options, which were to pay \$18,887.98 to A-1 Steam Brothers if they indemnify the City of further responsibility or to send the payment back to the property owner with a letter letting him know that the payment back to the City does not indemnify him of responsibility and if he wants to make a donation to the City, we will donate the funds to an organization such as Storybook Island.

Motion was made by Kooiker and seconded to pay the \$18,887.98 to A-1 Steam Brothers on the condition that they indemnify the City of further responsibility. Green said the only person who has a legal claim is Mr. McCarthy, as the City cannot give money to private parties. This is state statute. Green said in order to have a legal expenditure the City needs to get something in return or owe for damage to some property, so he does not believe there is any statutory way we can pay A-1 Steam Brothers for the work they did. Green also said he is not aware of any other time that this has happened. LaCroix said he thinks this is between the two parties, and the Council should not get involved. Responding to Weifenbach, Preston explained that we received a bill so a check was sent out in that amount. Green clarified that we cannot return the check as McCarthy said we overpaid, and he explained what the resolution says. Weifenbach said he understood that we would pay the actual costs incurred, and he would like to return the funds to Mr. McCarthy with a copy of the resolution. Green clarified that we paid the property owner for the amount of the bill, but the property owner then realized that he was overcharged. Kroeger said if McCarthy loses in court we should not refund the funds. Chapman said it seems that we have no standing but said something needs to happen with this issue.

Substitute motion was made and seconded to reject the claim from A-1 Steam Brothers for payment on the 601 12<sup>th</sup> St. Sewer Clean up.

Second substitute motion was made by Kooiker and seconded to table the item. Upon roll call vote, the following voted AYE: Costello, Martinson, Kooiker and Kroeger; NO: Hadcock, LaCroix, Weifenbach, Okrepkie and Chapman. Motion failed with Olson abstaining.

Chapman mentioned that the City Attorney advised that they vote on the issue, and Kooiker said the City is not the rightful owner of the funds. He said the policy could be looked at in the future to ensure parties

present agreements to City staff before funds are paid out. Chapman pointed out that if you read all of the correspondence A-1 Steam Brothers was offered \$12,000.00, but they turned it down. Substitute motion passed with one NO from Kooiker and with Olson abstaining.

LaCroix reported on the Historical and Boarding School Trauma Workshop and said there will be another workshop on June 8, 2009. He talked about White Bison, who provides support to Native American communities, and he explained the contents of the workshop. Motion was made by Chapman and seconded to acknowledge the report. Hadcock explained that the main issue is acknowledgement and said healing and forgiveness were two major issues discussed. Weifenbach thanked LaCroix for bringing this awareness to the community. Motion carried.

### ***Staff Items***

Motion was made by Kooiker, seconded and carried to (CC051809-03) Authorize staff to re-advertise for bids for bus shelters.

### **PUBLIC HEARING ITEMS** – Items 182- 236

Motion was made by Chapman, seconded and carried to open the public comment for Items 182 – 236.

### **CONTINUED PUBLIC HEARING CONSENT ITEMS** – Items 182 – 188

The following items were removed from the Continued Public Hearing Consent Items:

188. No. 09SV011 - A request by Centerline, Inc. for Action Development, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, water and sewer along East North Street and to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, sewer and water along Century Road as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 2 thru 7, 9, and 10 of Anamosa Crossing Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 of Century 21 Subdivision, located in the NW1/4, Section 32, T2N R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of East North Street and East Anamosa Street.

Motion was made by Chapman, seconded and carried to approve the following items as they appear on the Continued Public Hearing Consent Items:

### ***Continue the following items until June 1, 2009***

182. No. 08SV047 - A request by FourFront Design, Inc. for Rapid City Economic Development Foundation for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb, gutter, sidewalk, street light conduit, water and sewer along East Anamosa Street and to waive the requirement to install sidewalk on Concourse Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1R and Lot 2 of Block 3 of Rushmore Business Park, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 3 and a portion of Government Lot 2, located in the NE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more particularly described as follows: Commencing at the N¼ Corner of Section 4, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota; Thence S00°06'56"W along the Center 1/4 line of said Section 4 a distance of 124.10 feet to a point on the South Right-of-Way of East Anamosa Street, Thence N89°56'23"E along said South Right-of-Way of East Anamosa Street a distance of 142.23 feet to a point along said Right-of-Way to the point of beginning; Thence N89°57'20"E along said South Right-of-Way of